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CALCUTTA, SATURDAY, FEBRUARY 13, 1869.

HOME DEPARTMENT.

LEGISLATIVE.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February 1869, and was referred to a Select Committee with instructions to make their report thereon in a month:—

No. 2 of 1869.

THE BOMBAY COURTS' BILL.

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A Bill to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

Whereas it is expedient to consolidate and amend the law relating to the District and other subordinate Civil Courts in the Presidency of Bombay; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Bombay Civil Courts' Act, 1869," and extends only to the territories under the Government of the Governor of Bombay in Council in which the Code of Civil Procedure is for the time being in force.

2. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: provided that the constitution of the Districts and the position of the Sadr stations at present established in the Presidency of Bombay for the purposes of civil judicature shall not be affected by such repeal.

II.—District and Sadr Stations.

3. The Governor of Bombay in Council may from time to time by notification in the official Gazette alter the limits of existing Districts and create new Districts for the purposes of this Act.

4. The Governor of Bombay in Council may also from time to time by notification in the official Gazette alter the position of the Sadr station in any District, and fix the position of the Sadr station in any new District.

III.—District Courts.

5. There shall be in each District a District Court presided over by a Judge to be called the District Judge. He shall be appointed by the Governor of Bombay in Council by whose authority only he shall be liable to be suspended or removed from his appointment.

The present District Judges shall be the first District Judges under this Act.

6. The District Judge shall ordinarily hold the District Court at the Sadr station in his District, but may, with the previous sanction of the High Court, hold it elsewhere within the District.

7. The District Court shall be the principal Court of original civil jurisdiction in the District, within the meaning of the Code of Civil Procedure.

8. The District Court shall be the Court of Appeal from all decrees and orders passed by the Subordinate Courts from which an appeal lies under any law for the time being in force.

9. The District Judge shall have general control over all the Civil Courts and their establishments within the District, and it shall be his duty to inspect, or to cause one of his Assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary. He shall refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

10. The District Judge shall obey all writs, orders, or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require. He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Governor of Bombay in Council.

11. The District Judge shall use a circular seal two inches in diameter, which shall bear thereon the Royal Arms with the following inscription in English and the principal language of the District—"District Court of

IV.—Joint Judges.

12. Whenever the state of civil judicial business renders it expedient, the Governor of Bombay in Council, subject to the general control of the Governor General of India in Council, may appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

13. All Regulations and Acts now or hereafter in force and applying to a District Judge shall be deemed to apply also to the Joint Judge; and the seal of the Joint Judge shall be the same as is used by the District Judge.

V.—Assistant Judges.

14. The Governor of Bombay in Council, under the general control of the Governor General of India in Council, may appoint one or more Assistants to the District Judge and may suspend or remove from his appointment any Assistant so appointed.

The present Assistant Judges shall be the first Assistant Judges under this Act.

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the District, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

16. An Assistant Judge shall have jurisdiction to try such original suits of which the subject-matter does not exceed ten thousand rupees in amount or value, and to dispose of such miscellaneous applications not being of the nature of appeals, as may be referred to him by the District Judge; and where his decrees and orders in such cases are appealable, the appeal shall lie to the District Judge.

The Assistant District Judge shall, when directed by the District Judge so to do, also take evidence on applications for certificates under Bombay Regulation VIII of 1827 (*to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts*), Act XXVII of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*), and Act XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), and shall forward it with his opinion thereon for the final orders of the District Judge.

17. The Governor of Bombay in Council may, by notification in the official Gazette, empower any Assistant Judge to try such appeals from the decrees and orders of the Subordinate Courts as may be referred to him by the District Judge, provided that the amount or value of the subject-matter does not exceed ten thousand rupees.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

18. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section fifteen, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference to the District in which he may be employed, provided that the Governor of Bombay in Council may at any time withdraw such power.

19. The Governor of Bombay in Council may, by notification in the official Gazette, invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a District, the limits of which part may be determined and altered from time to time by such notification.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

20. Every Assistant Judge shall use the seal of the District Judge to whom he is assistant.

VI.—Subordinate Judges.

21. There shall be in each District so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct.

22. The Judges of such subordinate Courts shall be appointed by the Governor of Bombay in Council, and shall be called Subordinate Judges.

No person shall be appointed a Subordinate Judge unless he be a British subject who has practised five years as an Advocate of a High Court in India or as a Vakil in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

23. The Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions. Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one Subordinate Court; and the Judge of any Subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

24. The Subordinate Judges shall be of two classes.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value ten thousand rupees.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

25. A Subordinate Judge of the first class, in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature wherein the subject-matter exceeds five thousand rupees, and does not exceed ten thousand rupees, in amount or value as may arise within the local

jurisdictions of the Courts in the District presided over by Subordinate Judges of the second class.

In Districts to which more than one Subordinate Judge of the first class have been appointed, the District Judge, under the control of the High Court, shall assign to each the local limits within which his special jurisdiction is to be exercised.

26. The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the District, provided the subject-matter does not exceed in amount or value two hundred rupees.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class shall have the same force as if passed by a District Judge.

27. The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

28. Each Subordinate Judge shall use a seal one inch and a half in diameter, bearing the Royal Crown with the following inscription in English and the principal language of the District—"Subordinate Judge of _____."

29. The present Principal Sadr Amíns shall be the first Subordinate Judges of the first class and (subject to any alteration of the limits of their local jurisdiction which may be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the first class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amíns.

The present Sadr Amíns and Munsifs shall be the first Subordinate Judges of the second class and (subject to any alteration of the limits of their local jurisdiction which may be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the second class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

30. Every Court of a Subordinate Judge under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted as the Principal Sadr Amín, Sadr Amín, or

Munsif (as the case may be) of such Court would have had if this Act had not been passed.

Removal or Suspension.

31. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any Subordinate Judge, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an enquiry, and on the receipt of his or their report may order that the Subordinate Judge be removed or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850 (*for regulating enquiries into the behaviour of public servants*) shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

32. The High Court may suspend any Subordinate Judge from office pending the result of an enquiry into his behaviour under this section.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the District Judge suspends any such Subordinate Judge, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section thirty-one shall be held to interfere with the right of Government to suspend, or remove from office, any Subordinate Judge at their discretion.

VII.—Temporary vacancies.

33. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his District on leave, the first in rank of the Assistant Judges in the District, or in the absence of an Assistant Judge the first in rank of the Subordinate Judges, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated Assistant Judge or Subordinate Judge, as the case may be, in charge of the District, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

34. Any District Judge leaving the Sadr station and proceeding on duty to any place within his District, may delegate to an Assistant Judge, or in the absence of an Assistant Judge, to a Subordinate Judge at the Sadr station, the power of performing such of the duties enumerated in section thirty-three as may be emergent, and such officer shall be designated Assistant Subordinate Judge, as the case may be, in charge of the Sadr station.

35. In the event of the death, suspension or temporary absence of any Subordinate Judge, the District Judge may empower the Judge of any Subordinate Court of the same District to perform the duties of the Judge of the vacated Subordinate Court, either at the place of such Court or of his own Court; but in every such case the Registers and Records of the two Courts shall be kept distinct.

VIII.—Ministerial Officers.

36. All ministerial officers of the Civil Courts in each District shall be appointed, and may be suspended or dismissed by the District Judge, subject to such rules as the High Court may from time to time prescribe.

37. The duties of the said ministerial officers shall be regulated by such rules as the High Court may from time to time prescribe.

38. The Governor of Bombay in Council may appoint to any Civil Court under this Act a Clerk of the Court who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders

of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

IX.—Miscellaneous.

39. The proceedings of each Court of Civil Justice shall be kept and recorded according to such rules as the High Court may from time to time prescribe.

40. The High Court shall from time to time prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the Government Gazette.

41. The District and Subordinate Courts shall sit from day to day, except on Sundays, New Year's Day, Good Friday, Christmas Day, and Her Majesty's Birth Day, and such other days as may be sanctioned for each or every District by the High Court.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

SCHEDULE.

Enactments repealed.

I.—BOMBAY REGULATIONS.

NO. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
I of 1827	A Regulation for forming into a regular Code all Rules that may be enacted for the internal Government of the Territories subordinate to the Presidency of Bombay.	Sections 1 to 7, both inclusive.
II of 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof.	The preamble and so much of chapters II, III and IV as has not been repealed.
III of 1827	A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records.	So much as has not been repealed.
IV of 1827	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the trial of the same.	The preamble and sections 24, 26, 27, and 72, clause 4.
XXXI of 1827	A Regulation to explain the principles on which the introduction of the revised Code of Regulations is to be effected.	The whole.
I of 1830	A Regulation rescinding Regulation VII of 1828, and extending the jurisdiction of Native Commissioners to the cognizance of all original suits of whatever amount.	The whole.
VII of 1831	A Regulation for modifying the Rules under which appeals in Civil Suits are to be admitted.	The whole.
XVIII of 1831	A Regulation for instituting gradations of rank in the judicial appointments conferred on Natives, and defining the authority to be exercised by each rank.	The whole.
II of 1833	A Regulation for vesting Judicial Native Commissioners with authority to try civil actions in any part of a zillah to which they stand appointed.	The whole.
VI of 1834	A Regulation providing for the occasional adjournment of the Courts of Civil Judicature under the Presidency of Bombay.	The whole.

II.—ACTS.

No. of Act.	TITLE OF ACT.	EXTENT OF REPEAL.
IX of 1844	An Act for authorizing the institution of suits in the Courts of Principal Sudder Ameen and Sudder Ameen.	So much as has not been repealed.
XXIX of 1845	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as has not been repealed.

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate the present obscure and scattered law relating to Civil Courts in Bombay, and to make certain amendments therein.

One of these amendments refers to the duty of appointing Subordinate Judges, and on this point there is a difference of opinion between the Government of Bombay and the High Court.

The Government points out that this duty naturally pertains to the executive and sees no reason for transferring it to the High Court. The High Court (differing in this from the Court of 1864, whose opinion coincided with that stated above) recommends that "all commissions of appointment should be issued to the Subordinate Judges by Government on the nomination of the High Court."

The Bill follows in this and some other minor points the opinion of the Government of Bombay, but the Council has before it the views of the High Court, and if the Bill is referred to a Select Committee, these views will receive the fullest consideration.

The reason for bringing this Bill before the Council of the Governor General is that, as the jurisdiction of the Bombay High Court over existing Courts will be affected by its provisions, it cannot be passed by the Council of the Governor of Bombay.

M. J. SHAW STEWART.

The 11th January 1869.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 12th February 1869:—

REPORT.

We, the Members of the Select Committee of

the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to amend the law relating to Divorce and Matrimonial Causes in India, was referred, have the honour to state that we have considered the papers noted in the margin, and to present this our final report.

From Officiating Secretary to Government of Bengal, No. 388T, dated 7th August 1868.

From Judge of Zila Dacca, No. 5A, dated 27th July 1868.

Minute by the Hon'ble the Chief Justice, Calcutta, dated 15th December 1868.

Minute by the Hon'ble Mr. Justice Norman, dated 26th December 1868.

From Secretary to Government, Panjab, No. 1616, dated 12th December 1868.

From Senior Judge, Chief Court, Panjab, dated 7th December 1868.

From Chief Secretary to Government, Fort Saint George, No. 272, dated 19th December 1868, and enclosures.

From Secretary to Government, North-Western Provinces, No. 213A, dated 29th December 1868, and enclosure.

proposed Act. In that case Lord Colonsay expresses

an opinion that a decree of divorce pronounced by a foreign tribunal, in the case of a marriage between English subjects, would be recognized by the English Courts when pronounced between parties who, though not actually domiciled, are *bona fide* resident in the foreign territory at the date of the institution of the suit. Acting on this opinion we have altered section 2 of the Bill as settled by us at Simla, and have provided that nothing in the proposed Act shall authorize the Courts to grant relief, except in cases where the petitioner resides in India at the time of presenting the petition; or to make decrees of dissolution of marriage except in the following cases:—(a) where the marriage shall have been solemnized in India; or, (b), where the adultery, rape or unnatural crime complained of shall have been committed in India; or, (c), where the husband has, since the solemnization of the marriage, exchanged his profession of christianity for the profession of some other form of religion; or to make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

Section 10 of the Bill as formerly revised by us excludes Roman Catholics from presenting petitions for divorce. We have, on further consideration, struck out this provision on the ground that it is wrong to deprive these persons of a right to free themselves from that which the law recognizes as a civil contract, and that there is no good reason why the Indian should differ in this respect from the English law.

To section 16 we have added the following clause:—"Whenever a decree *nisi* has been made and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit."

We have considered whether it would be desirable to confer upon the District Courts the power to make decrees of nullity where the consent of either party was obtained by force or fraud. We have come to the conclusion that to do so would be inexpedient, but we have expressly saved the present jurisdiction of the High Courts in this respect.

We have inserted a provision, contained in the New York Civil Code, that the children of a marriage annulled on the ground that the former husband or wife was living, shall be entitled to succeed, as if they were legitimate, to the estate of the parent competent to contract the marriage.

We have made a similar provision in the case of children of a marriage annulled on the ground of insanity.

With regard to restitution of conjugal rights, we have provided (section 33) that grounds for a decree of nullity of marriage may be pleaded in answer to a petition for such restitution.

In section 35 we have empowered (in accordance with a recent English decision) the Court to order a litigious intervenor to pay the costs occasioned by his intervention.

As regards alimony, we have provided, in accordance with the English rule, that it shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order. We have on consideration abstained from fixing a maximum limit to permanent alimony. We have, however, empowered the Court to order such alimony not only in the case of a decree of dissolution, but also in that of a decree of judicial separation obtained by the wife. We have struck out the clause authorising the High Court to suspend the pronouncing of its decree or the confirmation of the District Judge's decree, until the instrument securing alimony has been executed.

In section 51 we have, at the suggestion of the High Court of the North-Western Provinces, provided that any party to a suit under the proposed Act may offer himself or herself as a witness, and shall be examined and may be cross-examined and re-examined like any other witness.

We have made a few verbal alterations, and recommend that the Bill as amended be passed.

H. S. MAINE.
JOHN STRACHEY.
RICHARD TEMPLE.
F. R. COCKERELL.
GEORGE COUPER.
GORDON FORBES.
M. J. SHAW STEWART.

CALCUTTA :
The 30th January 1869. }

THE INDIAN DIVORCE BILL, 1869.

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AMENDED BILL.

A Bill to amend the law relating to Divorce and Matrimonial Causes in India.

[As amended by the Select Committee.]

WHEREAS it is expedient to amend the law relating to the divorce of persons professing the Christian religion, and to confer upon certain Courts jurisdiction in matters matrimonial; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called "The Indian Divorce Act," and shall come into operation on the first day of March 1869.
- Short title. Commencement of Act.

2. This Act shall extend to the whole of British India, and (so far only as regards British subjects within the dominions hereinafter mentioned) to the dominions of Princes and States in India in alliance with Her Majesty.
- Extent of Act.

Nothing hereinafter contained shall authorize any Court to grant any relief under this Act, except in cases where the petitioner professes the Christian religion and resides in India at the time of presenting the petition;

or to make decrees of dissolution of marriage except in the following cases:—(a) where the marriage shall have been solemnized in India; or (b) where the adultery, rape or unnatural crime complained of shall have been committed in India; or (c) where the husband has, since the solemnization of the marriage, exchanged his profession of Christianity for the profession of some other form of religion;

or to make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

Or of nullity.

3. In this Act, unless there be something repugnant in the subject or context,—
- Interpretation clause.

(1). "High Court" means in any Regulation Province the Court there established under the Act of the twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four,

in the territories for the time being subject to the government of the Lieutenant Governor of the Panjáb, the Chief Court of the Panjáb, in British Burma, the High Court of Judicature at Fort William in Bengal,

and in any other Non-Regulation Province and in any place in the dominions of the Princes and States of India in alliance with Her Majesty, the High Court or Chief Court to whose original criminal jurisdiction the petitioner is for the time being subject, or would be subject if he or she were an European British subject of Her Majesty:

In the case of any petition under this Act, 'High Court' is that one of the aforesaid Courts within the local limits of whose ordinary appellate jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

(2). "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,

in the Non-Regulation Provinces, other than British Burma, a Commissioner of a Division, in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon until a Recorder's Court is established at Akyab, and thenceforward the Recorder at Akyab,

in the Tenasserim Provinces, the Recorder at Maulmain,

and in any place in the dominions of the Princes and States aforesaid, such officer as the Governor General of India in Council shall from time to time appoint in this behalf by notification in the *Gazette of India*, and, in the absence of such officer, the High Court in the exercise of its original jurisdiction under this Act:

(3). "District Court" means, in the case of any petition under this Act, the Court of the District Judge within the local limits of whose ordinary jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

(4). "Court" means the High Court or the District Court, as the case may be:

(5). "Minor children" means, in the case of sons of Native fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of Native fathers, girls who have not completed the age of thirteen years: In other cases it means unmarried children who have not completed the age of eighteen years:

(6). "Incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity:

(7). "Bigamy with adultery" means adultery with the same woman with whom the bigamy was committed:

(8). "Marriage with another woman" means marriage of any person being married to any other person, during the life of the former wife, whether the second marriage shall have taken place within the dominions of Her Majesty or elsewhere:

(9). "Desertion" implies an abandonment against the wish of the person charging it;

(10). and "property" includes in the case of a wife any property to which she is entitled for an estate in remainder or reversion or as a trustee, executrix or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix.

II.—Jurisdiction.

4. The jurisdiction now exercised by the High Courts in respect of divorce *a mensâ et toro*, and in all other causes, suits and matters matrimonial, shall be exercised by such Courts and by the District Courts subject to the provisions in this Act maintained, and not otherwise: except so far as relates to the granting of marriage-licenses, which may be granted as if this Act had not been passed.

5. Any decree or order of the late Supreme Court of Judicature at Calcutta, Madras, or Bombay heretofore by any Supreme or High Court, sitting on the ecclesiastical side, or of any of the said High Courts sitting in the exercise of their matrimonial jurisdiction, respectively, in any cause or matter matrimonial, may be enforced and dealt with by the said High Courts, respectively, as hereinafter mentioned, in like manner as if such decree or order had been originally made under this Act by the Court so enforcing or dealing with the same.

6. All suits and proceedings in causes and matters matrimonial, which when this Act comes into operation are pending in any High Court, shall be dealt with and decided by such Court, so far as may be, as if they had been originally instituted therein under this Act.

7. Subject to the provisions contained in this Act, the High Courts and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief.

8. The High Court may, whenever it thinks fit, remove and try and determine as a Court of original jurisdiction any suit or proceeding instituted under this Act in the Court of any District Judge within the limits of its jurisdiction under this Act.

The High Court may also withdraw any such suit or proceeding, and transfer it for trial or disposal to the Court of any other such District Judge.

9. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any

suit under this Act by a District Court or at any subsequent stage of such suit, or in the execution of the decree therein or order thereon,

the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court.

If the question has arisen previous to or in the hearing, the District Court may either stay such proceedings, or proceed in the case pending such reference, and pass a decree contingent upon the opinion of the High Court upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court upon such reference.

III.—Dissolution of Marriage.

10. Any husband may present a petition to the District Court or to the High Court, praying that his marriage may be dissolved on the ground that his wife has, since the solemnization thereof, been guilty of adultery.

Any wife may present a petition to the District Court or to the High Court, praying that her marriage may be dissolved on the ground that since the solemnization thereof her husband has exchanged his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman;

or has been guilty of incestuous adultery,
or of bigamy with adultery,
or of marriage with another woman with adultery,
or of rape, sodomy or bestiality,
or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et toro*,
or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

11. Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court:—

(1.) That the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed.

(2.) That the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it.

(3.) That the alleged adulterer is dead.

12. Upon any such petition for the dissolution of a marriage, the Court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not

the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any countercharge which may be made against the petitioner.

13. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed,

or finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

14. In case the Court is satisfied on the evidence that the case of the petitioner has been proved,

and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections sixteen and seventeen made and declared:

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery,

or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition,

or of cruelty towards the other party to the marriage,

or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse,

or of such wilful neglect or misconduct of or towards the other party as has conduced to the adultery.

No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal cohabitation has been resumed or continued.

15. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty, or desertion without reasonable excuse, or, in case of such a suit instituted by a wife, on the

ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

16. Every decree for a dissolution of marriage made by a High Court not being a confirmation of a decree of a District Court, shall, in the first instance, be a decree *nisi*, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court, by general or special order from time to time directs.

During that period any person shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being so shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree *nisi*, or by requiring further inquiry, or otherwise as justice may demand.

The High Court may order the costs of Counsel and witnesses and otherwise arising from such cause being shown, to be paid by the parties or such one or more of them as it thinks fit, including a wife if she have separate property.

Whenever a decree *nisi* has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

17. Every decree for a dissolution of marriage made by a District Judge shall be subject to confirmation by the High Court.

Cases for confirmation of a decree for a dissolution of marriage shall be heard by a Court composed of two or more Judges of the High Court.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made, or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Judge, and the High Court shall thereupon make a decree for dissolution of marriage, or such other order as to the Court seems fit.

Provided that no decree shall be confirmed under this section till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

During the progress of the suit in the Court of the District Judge, any person suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit under section eight, and the High Court shall thereupon, if it think fit, remove such suit and try and determine the same as a Court of original jurisdiction, and the provisions contained in

section sixteen shall apply to every suit so removed: or it may direct the District Judge to take such steps in respect of the alleged collusion as may be necessary to enable him to make a decree in accordance with the justice of the case.

IV.—Nullity of Marriage.

18. Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be declared null and void.

19. Such decree may be made on any of the following grounds:—

(1.) That the respondent was impotent at the time of the marriage and at the time of the institution of the suit;

(2.) That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity;

(3.) That either party was a lunatic or idiot at the time of the marriage;

(4.) That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the High Court to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

20. Every decree of nullity of marriage made by a District Judge shall be subject to confirmation by the High Court, and the provisions of section seventeen, clauses one, two, three and four, shall *mutatis mutandis* apply to such decrees.

21. Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

V.—Judicial Separation.

22. No decree shall hereafter be made for a divorce *a mensâ et toro*, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall have the effect of a divorce *a mensâ et toro* under the existing law, and such other legal effect as hereinafter mentioned.

Decree of judicial separation obtainable by husband or wife.

23. Application for judicial separation on any one of the grounds aforesaid, may be made by either husband or wife by petition to the District Court or the High Court; and the

Application for separation made by petition.

Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

24. In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her.

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead :

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

25. In every case of a judicial separation under this Act, the wife shall, whilst so separated, be considered as an unmarried woman for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding; and her husband shall not be liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation.

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessities supplied for her use.

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Reversal of Decree of Separation.

26. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion, where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the sentence of separation and of the reversal thereof.

VI.—Protection Orders.

27. Any wife to whom the fourth section of the Indian Succession Act, 1865, does not apply, may, when deserted by her hus-

band, present a petition to the District Court or the High Court, at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

28. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

29. The husband or any creditor of, or person claiming under, him may apply to the Court by which such order was made for the discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

30. If the husband or any creditor of, or person claiming under, the husband seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

31. So long as any such order of protection remains in force, the wife shall be and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

VII.—Restitution of Conjugal Rights.

32. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, either wife or husband may apply, by petition to the District Court or the High Court, for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

33. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights, which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

VIII.—Damages and Costs.

34. Any husband may, either in a petition for dissolution of marriage or for judicial separation, or in a petition to the District Court or the High Court

limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

35. Whenever in any petition presented by a husband the alleged adulterer

Power to order adulterer to pay costs. has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings:

Provided that the co-respondent shall not be ordered to pay the petitioner's costs,

(1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

Whenever any application is made under section seventeen, the Court Power to order litigious intervenor to pay costs. if it thinks that the applicant had no grounds or no sufficient grounds for intervening, may order him to pay the whole or any part of the costs occasioned by the application.

IX.—Alimony.

36. In any suit under this Act, whether it be instituted by a husband or a wife and whether or not she Alimony pendente lite. has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

37. The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife, Power to order permanent alimony.

and the District Judge may, if he thinks fit, on the confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife

order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of

the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Power to order monthly or weekly payments. Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

38. In all cases in which the Court makes any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

X.—Settlements.

39. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation, shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

The Court may direct that the whole or any part of the damages recovered under section thirty-four shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

40. The High Court, after a decree absolute for dissolution of marriage, Inquiry into existence of ante-nuptial or post-nuptial settlements. or a decree of nullity of marriage,

and the District Court after its decree for dissolution of marriage or of nullity of marriage has been confirmed,

may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit:

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI.—Custody of Children.

41. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

Power to make orders as to custody of children in suit for separation.

42. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

Power to make such orders after decree.

43. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in, or removed to, a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be), make such interim orders, and may make such provision in the decree absolute or decree,

Power to make orders as to custody of children in suits for dissolution or nullity.

and in any such suit instituted in a District Court, the Court may from time to time, before its decree is confirmed, make such interim orders and may make such provision on such confirmation,

as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit;

and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the Court.

Power to make such orders after decree or confirmation.

44. The High Court after a decree absolute for dissolution of marriage or a decree of nullity of marriage,

and the District Court after a decree for dissolution of marriage or of nullity of marriage has been confirmed,

may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid.

XII.—Procedure.

45. Subject to the provisions herein contained, all proceedings under this Act between party and party shall be regulated by the Code of Civil Procedure.

Code of Civil Procedure to apply.

46. The forms set forth in the schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

Forms of petitions and statements.

47. Every petition under this Act for a decree of dissolution of marriage, or of nullity of marriage, or of judicial separation, or of reversal of judicial separation, or for restitution of conjugal rights, or for damages, shall bear a stamp of five rupees, and shall, in the first, second and third cases mentioned in this section, state that there is not any collusion or connivance between the petitioner and the other party to the marriage.

Stamp on petition.

Petition to state absence of collusion.

The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

Statements to be verified.

48. When the husband or wife is a lunatic or idiot, any suit under this Act (other than a suit for restitution of conjugal rights) may be brought on his or her behalf by the committee or other person entitled to his or her custody.

Suits on behalf of lunatics.

49. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under this Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Suits by minors.

Such undertaking shall bear a stamp of eight annas and shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

50. Every petition under this Act shall be served on the party to be affected thereby, either within or without British India, in such manner as the High Court by general or special order from time to time directs:

Service of petition.

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

51. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross-examined and re-examined, like any other witness:

Mode of taking evidence.

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

52. On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

53. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors.

54. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon if it sees fit so to do.

55. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from in the like manner as the decrees and orders of the Court made in the exercise of its original civil jurisdiction are enforced and may be appealed from under the laws, rules and orders for the time being in force:

Provided that there shall be no appeal from a decree of a District Judge for dissolution of marriage or of nullity of marriage:

Provided also that there shall be no appeal on the subject of costs only.

56. Any person may appeal to Her Majesty in Council from any decree (other than a decree *nisi*) or order under this Act of a High Court made on appeal or otherwise,

and from any decree (other than a decree *nisi*) or order made in the exercise of original jurisdiction by Judges of a High Court or of any Division Court from which an appeal shall not lie to the High Court,

when the High Court declares that the case is a fit one for appeal to Her Majesty in Council.

XIII.—*Re-marriage.*

57. When six months after the date of any decree of a High Court dissolving a marriage, have expired, and no appeal has been presented against such decree to the High Court in its appellate jurisdiction,

or when any such appeal has been dismissed, or when in the result of any such appeal any marriage is declared to be dissolved,

but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death:

Provided that no appeal to Her Majesty in Council has been presented against any such decree or order.

When such appeal has been dismissed, or when in the result thereof the marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again

as if the prior marriage had been dissolved by death.

58. No clergyman in Holy Orders of the United Church of England and Ireland shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty, or censure for solemnizing or refusing to solemnize the marriage of any such person.

59. When any Minister of any Church or Chapel of the said United Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

XIV.—*Miscellaneous.*

60. Every decree for judicial separation or order to protect property obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary for the protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall effect any rights or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order, and of the reversal, discharge or variation thereof.

All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may then have been reversed, discharged or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued,

unless, at the time of the payment, transfer or other act, such persons had notice of the reversal, discharge or variation of the decree or order or of the cessation or discontinuance of the separation.

61. After this Act comes into operation, no person competent to present a petition under sections two and ten shall maintain a suit for criminal conversation with his wife.

62. The High Court shall make such rules under this Act as it may from time to time consider expedient, and may from time to time alter and add to the same.

Provided that such rules, alterations and additions are consistent with the provisions of this Act and the Code of Civil Procedure.

All such rules, alterations and additions shall be published in the local Official Gazette.

SCHEDULE OF FORMS.

No. 1.—PETITION by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.

(See Sections 10 and 34).

In the (High) Court of
To the Hon'ble Mr. Justice [or To the Judge of]

The day of 186 .

The petitioner of A. B. of ,

SHEWETH,

1. That your petitioner was on the day of , one thousand eight hundred and , lawfully married to C. B., then C. D., spinster at . (a)

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at , in , and lastly at in , and that your petitioner and his said wife have had issue of their said marriage, five children, of whom two sons only survive, aged respectively twelve and fourteen years.

3. That during the three years immediately preceding the day of , one thousand eight hundred and , X. Y. was constantly, with few exceptions, residing in the house of your petitioner at aforesaid, and that on divers occasions during the said period, the dates of which are unknown to your petitioner, the said C. B. in your petitioner's said house committed adultery with the said X. Y.

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said X. Y. do pay the sum of Rs. 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) A. B. (b)

Form of Verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2.—Respondent's statement in answer to No. 1.

In the Court of the day of
Between A. B., petitioner,
C. B., respondent, and
X. Y., co-respondent.

C. B., the respondent, by D. E. her attorney [or vakil] in answer to the petition of A. B.

(a). If the marriage was solemnized out of India the adultery must be shewn to have been committed in India.

(b). The petition must be signed by the petitioner.

says that she denies that she has on divers or any occasions committed adultery with X. Y., as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

C. B.

No. 3.—Co-respondent's statement in answer to No. 1.

In the (High) Court of

The day of
Between A. B., petitioner,
C. B., respondent, and
X. Y., co-respondent.

X. Y., the co-respondent, in answer to the petition filed in this cause saith that he denies that he committed adultery with the said C. B. as alleged in the said petition.

Wherefore the said X. Y., prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

X. Y.

No. 4.—PETITION for Decree of Nullity of Marriage.

(See Section 18).

In the (High) Court of

To the Hon'ble Mr. Justice [or To the Judge of]

The day of , 186 .
The petition of A. B. falsely called A. D.,

SHEWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to C. D., then a bachelor of about thirty years of age, at [some place in India].

2. That from the said day of , one thousand eight hundred and , until the month of , one thousand eight hundred and , your petitioner lived and cohabited with the said C. D., at divers places, and particularly at aforesaid.

3. That the said C. D., has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said C. D. was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said C. D. with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void.

Form of Verification: See No. 1.

No. 5.—PETITION by wife for judicial separation on the ground of her husband's adultery.

(See Section 22.)

In the (High) Court of
To the Hon'ble Mr. Justice [or To
the Judge of]

The day of 186 .
The petition of C. B., of
the wife of A. B.

SHREWETH,

1. That on the day of , one thousand eight hundred and sixty, your petitioner, then C. D., was lawfully married to A. B. at the Church of , in the

2. That after her said marriage, your petitioner cohabited with the said A. B. at and at , and that your petitioner and her said husband have issue living of their said marriage, three children, to wit, &c., &c. (a).

3. That on divers occasions in or about the months of August, September and October, one thousand eight hundred and sixty-eight, the said A. B., at , aforesaid, committed adultery with E. F., who was then living in the service of the said A. B. and your petitioner at their said residence, aforesaid.

4. That on divers occasions in the months of October, November, and December, one thousand eight hundred and sixty-eight, the said A. B., at aforesaid, committed adultery with G. H., who was then living in the service of the said A. B. and your petitioner at their said residence place aforesaid.

5. That no collusion or connivance exists between your petitioner and the said A. B. with respect to the subject of the present suit.

Your petitioner therefore prays that this (Hon'ble) Court will decree a judicial separation to your petitioner from her said husband by reason of his aforesaid adultery.

(Signed) C. B. (b).

Form of Verification: See No. 1.

No. 6.—Statement in answer to No. 5.

In the (High) Court of
B. against B.

The day of

The respondent, A. B., by W. Y., his attorney [or vakil] saith,—

1. That he denies that he committed adultery with E. F., as in the 3rd paragraph of the petition alleged.

2. That the petitioner condoned the said adultery with E. F., if any.

3. That he denies that he committed adultery with G. H., as in the 4th paragraph of the petition alleged.

4. That the petitioner condoned the said adultery with G. H., if any.

Wherefore this respondent prays that this (Hon'ble) Court will reject the prayer of the said petition.

(a.)—State the respective ages of the children.

(b.)—The petition must be signed by the petitioner.

No. 7.—Statement in reply to No. 6.

In the (High) Court of

B. against B.

The day of

The petitioner, C. B., by her attorney [or vakil] says—

1. That she denies that she condoned the said adultery of the respondent with E. F. as in the 2nd paragraph of the statement in answer alleged.

2. That even if she had condoned the said adultery, the same has been revived by the subsequent adultery of the respondent with G. H. as set forth in the 4th paragraph of the petition.

No. 8.—PETITION for a judicial separation by reason of cruelty.

(See Section 22.)

In the (High) Court of

To the Hon'ble Mr. Justice [or To the Judge of]

The day of 186 .

The petition of A. B. (wife of C. B.) of

SHREWETH,

1. That on the day of , one thousand eight hundred and , your petitioner then A. D., spinster, was lawfully married to C. B., at

2. That from her said marriage, your petitioner lived and cohabited with her said husband at until the day of , one thousand eight hundred and , when your petitioner separated from her said husband as hereinafter more particularly mentioned, and that your petitioner and her said husband have had no issue of their said marriage.

3. That from and shortly after your petitioner's said marriage, the said C. B. habitually conducted himself towards your petitioner with great harshness and cruelty, frequently abusing her in the coarsest and most insulting language, and beating her with his fists, with a cane, or with some other weapon.

4. That on an evening in or about the month of one thousand eight hundred and , the said C. B. in the highway and opposite to the house in which your petitioner and the said C. B. were then residing at aforesaid, endeavoured to knock your petitioner down, and was only prevented from so doing by the interference of F. D., your petitioner's brother.

5. That subsequently on the same evening, the said C. B. in his said house at aforesaid, struck your petitioner with his clenched fist a violent blow on her face.

6. That on one Friday night in the month of one thousand eight hundred and , the said C. B., in , without provocation, threw a knife at your petitioner, thereby inflicting a severe wound on her right hand.

7. That on the afternoon of the day of , one thousand eight hundred and , your petitioner, by reason of the great and continued cruelty practised towards her by her said

husband, with assistance withdrew from the house of her said husband to the house of her father at : that from and after the said day of , one thousand eight hundred and , your petitioner hath lived separate and apart from her said husband, and hath never returned to his house or to cohabitation with him.

8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation between your petitioner and the said C. B., and also order that the said C. B. do pay the costs of and incident to these proceedings.

(Signed) A. B.

Form of Verification: See No. 1.

No. 9.—Statement in answer to No. 8.

In the (High) Court of

The day of

Between A. B., petitioner, and
C. B., respondent.

C. B., the respondent, in answer to the petition filed in this cause by W. J. his attorney [or vakil] saith that he denies that he has been guilty of cruelty towards the said A. B., as alleged in the said petition.

No. 10.—PETITION for reversal of decree of separation.

(See Section 24.)

In the (High) Court of

To the Hon'ble Mr. Justice [or To the Judge of]

The day of 186 .
The petitioner of A. B. of

SH EWETH,

1. That your petitioner was on the day of lawfully married to

2. That on the day of , this (Hon'ble) Court at the petition of , pronounced a decree affecting the petitioner to the effect following, to wit,—

[Here set out the decree].

3. That such decree was obtained in the absence of your petitioner, who was then residing at

[State facts tending to show that the petitioner did not know of the proceedings; and, further, that had he known he might have offered a sufficient defence].

or

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife

[Here state any legal grounds justifying the petitioner's separation from his wife.]

Your petitioner, therefore, prays that this (Hon'ble) Court will reverse the said decree.

Form of Verification: See No. 1.

No. 11.—FORM of Petition for Protection-order.
(See Section 27.)

In the (High) Court of

To the Hon'ble Mr. Justice [or To the Judge of]

The day of 186 .

The petition of C. B., of
the wife of A. B.

SH EWETH,

That on the day of she was lawfully married to A. B., at

That she lived and cohabited with the said A. B. for years at , and also at and hath had children, issue of her said marriage, of whom are now living with the applicant, and wholly dependent upon her earnings.

That on or about ; the said A. B., without any reasonable cause, deserted the applicant, and hath ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant hath maintained herself by her own industry [or on her own property, as the case may be], and hath thereby and otherwise acquired certain property, consisting of [here state generally the nature of the property].

Wherefore she prays an order for the protection of her earnings and property acquired since the said day of , from the said A. B., and from all creditors and persons claiming under him.

No. 12.—PETITION for alimony pending the suit.
(See Section 36.)

In the (High) Court of

B. against B.

To the Hon'ble Mr. Justice [or To the Judge of]

The day of 186 .

The petition of C. B., the lawful wife of A. B.

SH EWETH,

1. That the said A. B. has for some years carried on the business of , at , and from such business derives the net annual income of from Rs. 4,000 to Rs. 5,000.

2. That the said A. B. is possessed of plate, furniture, linen, and other effects, at his said house, aforesaid, all of which he acquired in right of your petitioner as his wife, or purchased with money he acquired through her, of the value of Rs. 10,000.

3. That the said A. B. is entitled, under the will of his father, subject to the life interest of his mother therein, to property of the value of Rs. 5,000 or some other considerable amount (a).

Your petitioner, therefore, prays that this (Hon'ble) Court will decree such sum or sums of money by way of alimony, pending the suit, as to this (Hon'ble) Court may seem meet.

(Signed) C. B.

Form of Verification: See No. 1.

(a).—The petitioner should state her husband's income as accurately as possible.

No. 13.—Statement in answer to No. 12.
In the (High) Court of
B. against B.

A. B. of , the above-named respondent, in answer to the petition for alimony pending the suit of C. B., says,—

1. In answer to the first paragraph of the said petition, I say that I have for the last three years carried on the business of , at and that from such business, I have derived a net annual income of Rs. 900, but less than Rs. 1,000.

2. In answer to the 2nd paragraph of the said petition, I say that I am possessed of plate, furniture, linen, and other chattels and effects at my said house, aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that a portion of the said plate, furniture, and other chattels and effects of the value of Rs. 1,500, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own monies. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall have to pay to my father's executors the sum of Rs. 2,000 the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent. per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income, since my said wife left me, which she did on the day of last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that when my wife left my dwelling-house on the day of last, she took with her, and has ever since withheld and still withholds from me, plate, watches, and other effects in the 2nd paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least; and I also say that within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs. , and that she has ever since withheld and still withholds from me the same sum.

(Signed) A. B.

No. 14.—Form of undertaking by minor's next friend to be answerable for respondent's costs.

(See Section 49).

In the (High) Court of

I, the undersigned A. B., of being the next friend of C. D., who is a minor, and who is

desirous of filing a petition in this Court, under the Indian Divorce Act, against D. D. of hereby undertake to be responsible for the costs of the said D. D. in such suit, and that if the said C. D. fail to pay to the said D. D. when and in such manner as the Court shall order all such costs of such suit as the Court shall direct him [or her] to pay to the said D. D., I will forthwith pay the same to the proper officer of this Court.

Dated this day of 186 .
(Signed) A. B.

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(Nothing hereinafter contained shall be deemed to have the force of law).

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may petition for restitution of conjugal rights, sec. 32.

may petition for alimony *pendente lite*, sec. 36.

may offer herself as a witness, sec. 51.

may give evidence as to cruelty or desertion, sec. 52.

See *Agreement, Children, Contracts, Costs, Creditors, Indemnity, Intestacy, Necessaries,*

Power, Separate Property, Separate

Use, Settlement, Suits, Will, Wrongs.

Wilful neglect by petitioner, sec. 14.

separation by petitioner, *ib.*

Will of separated wife, sec. 24.

Witnesses to be examined orally, sec. 51.

" parties may offer themselves as, *ib.*

" as to cruelty and desertion, husband and wife may be, sec. 52.

See *Affidavits*.

Wrongs, separated wife to be deemed unmarried as to, sec. 25.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.

for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th February 1869, and is hereby promulgated for general information:—

ACT No. II OF 1869,

An Act for the appointment of Justices of the Peace.

WHEREAS it is expedient to consolidate and amend the law relating to the appointment of Justices of the Peace; It is hereby enacted as follows:—

1. This Act may be called "The Justices of the Peace Act, 1869."

2. The enactments mentioned in the schedule hereto annexed are hereby repealed to the extent specified in the third column of the same schedule.

3. The Governor General of India in Council, so far as regards the whole or any part of British India (other than the towns of Calcutta, Madras and Bombay),

and every Local Government, so far as regards the territories subject to its government or administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such and so many of the Covenanted Civil servants of the Crown in India, or other British inhabitants, as the said Governor General in Council or the Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within and for the territories mentioned in such notification.

4. The Governor General of India in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within the limits of the town mentioned in such notification.

5. All persons appointed under section three or section four shall be Justices of the Peace and shall have authority to act as such,

and shall have power to commit for trial European British subjects of Her Majesty to the Court prescribed in that behalf by the law in force for the time being, and shall do all other acts appertaining to the office of Justice of the Peace which under or by virtue of any law in force for the time being may be done by a Justice of the Peace within the said territories or towns, as the case may be.

6. All persons being servants of Government appointed by the Governor General in Council to act as Justices of the Peace for the whole of British India,

and all persons being servants of Government appointed by a Local Government to act as Justices of the Peace for the territories subject to such Government other than the towns aforesaid,

shall, so far as regards European British and Christian subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, have power to act as Justices of the Peace and to commit such subjects for trial according to law,

7. Provided that no person other than a person now acting as a Justice of the Peace under a commission shall be capable of acting as a Justice of the Peace until he shall have made and subscribed, before some other Justice of the Peace or the chief civil officer of any station within the territories or place in and for which he shall have been appointed, declarations to the following effect:—

"I declare that I will be faithful and bear true allegiance to Her Majesty."

"I declare that I will truly and faithfully discharge the office of a Justice of the Peace."

8. The subscriptions of such persons to the said declarations shall be deposited with and kept by such officer as the Governor General in Council or the Local Government (as the case may be) shall from time to time appoint.

9. The Governor General of India in Council in the case of any Justice of the Peace appointed by him, and the Local Government in the case of any Justice of the Peace appointed by it, may suspend or dismiss any person so appointed.

10. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns under any commission issued by any of the said High Courts, shall be deemed to have been appointed under section three by the said Governor General in Council to act as a Justice of the Peace for the whole of British India.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section four by the Local Government.

SCHEDULE.

NUMBER OF STATUTE OR ACT.	TITLE OF STATUTE OR ACT.	EXTENT OF REPEAL.
33 Geo. III, Cap. 52 ...	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating, to certain uses, the Revenues and Profits of the said Company; and for making provision for the good Order and Government of the Towns of Calcutta, Madras and Bombay.	Sections 151 and 152.
47 Geo. III, Sess. 2, Cap. 68.	An Act for the better Government of the Settlements of Fort St. George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act passed in the thirty-third year of his present Majesty as relates to the Periods at which the Civil Servants of the East India Company may be employed in their service abroad.	Sections 4, 5 and 6.
53 Geo. III, Cap. 155 ...	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company.	Section 112.
2 & 3 Wm. IV, Cap. 117.	An Act to amend the Law relating to the Appointment of Justices of the Peace, and of Juries in the East Indies.	The whole.
Act No. XVI of 1841 ...	An Act concerning the taking of Oaths of Qualification by Justices of the Peace.	So much as has not been repealed.
Act No. VI of 1845 ...	An Act to amend the Law regarding the issue of Commissions of the Peace.	The whole.
Act No. XXVII of 1864 ...	An Act to substitute certain declarations for the Oaths of Qualification taken by Justices of the Peace.	The whole.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.

HOME DEPARTMENT.

NOTIFICATIONS.

Public.

Fort William, the 9th February 1869.

No. 765.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William Mr. W. J. Money, of the Civil Service, who returned from furlough on the 2nd instant.

The 10th February 1869.

No. 784.

His Excellency the Viceroy is pleased to confer upon the Inspector Genesral of Military Works for the time being the privilege of the Private Entrée to Government House.

No. 790.

The following list of Civil Servants on the Bengal Establishment, absent on furlough or special leave on the 31st December 1868, is published for general information :—

No.	NAMES.	Substantive Appointment.	Officiating Appointment (if any).	Date of commencement of Furlough or Leave.	Date of expiry of Furlough or Leave.	REMARKS.
GOVERNMENT OF INDIA.						
FURLOUGH.						
1	H. A. Mangles ...	Accountant General, British Burmah.	...	Aug. 3, 1868	April 2, 1870	
2	J. G. Cordery ...	Assistant Resident, Hyderabad.	...	Sept. 26, 1868	Sept. 25, 1870	
3	H. LePoer Wynne ...	Under Secretary, Foreign Department.	...	Dec. 26, 1868	Dec. 25, 1869	
SPECIAL LEAVE.						
Nil.						
<p>NOTE.—Total Absent ... 3 Total of Civil Servants employed under the Government of India ... 24 Percentage of Absentees ... 12.5</p>						
BENGAL.						
FURLOUGH.						
1	E. T. Trevor ...	Member, Board of Revenue	...	July 6, 1868	July 5, 1869	
2	V. H. Schalch ...	Commissioner of Orissa ...	Additional Member, Bengal Legislative Council.	Mar. 4, 1868	June 3, 1869	
3	F. C. Fowle ...	Judge of Rungpore ...	...	Aug. 3, 1868	Nov. 2, 1869	
4	C. F. Montresor ...	Commissioner of Burdwan	...	Mar. 18, 1868	June 17, 1869	
5	W. G. Young ...	Ditto of Chittagong.	...	Dec. 10, 1867	Dec. 9, 1869	Since allowed six months' extension by the Secretary of State.
6	F. Tucker ...	Judge of Moorshedabad ...	...	Mar. 18, 1868	Mar. 17, 1870	Since returned.
7	F. J. Cockburn ...	Ditto of Sylhet ...	...	April 15, 1868	Jan. 14, 1869	
8	J. C. Dodgson ...	...	...	Sept. 29, 1868	Sept. 28, 1869	
9	A. J. Elliot ...	Ditto of Dinagpore ...	...	Nov. 29, 1868	Nov. 28, 1869	Has vacated his appointment and is entitled to subsistence allowance only.
10	E. G. Birch ...	...	...	Aug. 10, 1866	Aug. 9, 1869	
11	W. H. Henderson ...	...	...	Mar. 24, 1866	Mar. 23, 1869	
12	W. LeF. Robinson ...	Magistrate and Collector, 1st Grade, Dinagpore.	Officiating Commissioner of Rajshahye.	Oct. 12, 1868	Oct. 11, 1870	
13	J. J. Grey ...	...	...	April 10, 1866	Jan. 9, 1869	
14	J. H. Ravenshaw ...	...	...	Ditto 24, 1867	April 23, 1870	
15	H. B. Simson ...	...	...	Jan. 23, 1866	Jan. 22, 1869	Since returned.
16	S. H. C. Tayler ...	...	...	Feb. 24, 1867	Feb. 23, 1870	
17	W. J. Money ...	...	...	Feb. 10, 1866	Feb. 9, 1869	Since returned.
18	C. J. Mackenzie ...	...	...	July 31, 1866	July 30, 1869	
19	G. N. Barlow ...	...	...	Oct. 10, 1866	Oct. 9, 1869	
20	H. T. Prinsep ...	Magistrate and Collector, 1st Grade, Bograh.	...	July 6, 1868	July 5, 1869	
21	W. V. G. Tayler ...	Magistrate and Collector, 1st Grade, Pubna.	...	Aug. 16, 1868	Aug. 15, 1870	
22	V. T. Taylor ...	...	...	April 4, 1866	April 3, 1869	
23	D. J. McNeile ...	...	...	Mar. 23, 1867	Mar. 22, 1870	
24	W. L. Heeley ...	...	...	Mar. 21, 1867	Mar. 20, 1870	
25	F. G. Millett ...	...	...	April 1, 1868	Mar. 31, 1871	
26	T. Walton ...	...	...	Mar. 18, 1868	Sept. 17, 1869	
27	H. F. J. Kean ...	Joint Magistrate & Deputy Collector, Gya.	...	April 15, 1868	July 14, 1869	
28	J. S. Drummond ...	Magistrate and Collector, 2nd Grade, Gya.	...	Mar. 28, 1868	June 27, 1869	
29	H. L. Oliphant ...	Deputy Commissioner, Lohardugga.	...	April 29, 1868	July 28, 1869	
30	J. Beames ...	Magistrate and Collector, Balasore.	...	Mar. 4, 1868	June 3, 1869	
31	F. H. Pellew ...	Joint Magistrate & Deputy Collector, Hooghly.	...	April 15, 1868	July 14, 1869	
32	H. Beveridge ...	...	...	Feb. 19, 1868	Feb. 18, 1871	
33	H. C. Sutherland ...	Joint Magistrate & Deputy Collector, Backergunge.	Officiating Magistrate and Collector, Backergunge.	Aug. 31, 1868	Aug. 30, 1870	

No.	NAMES.	Substantive Appointment.	Officiating Appointment (if any).	Date of commencement of Furlough or Leave.	Date of expiry of Furlough or Leave.	REMARKS.
BENGAL—continued.						
FURLOUGH—continued.						
34	T. F. W. Smith	Assistant Magistrate, Mymensing.	Officiating Joint Magistrate and Deputy Collector, Backergunge.	Oct. 10, 1868	Sept. 6, 1870	
35	G. D. Field	Assistant Magistrate	...	Oct. 17, 1868	Oct. 16, 1870	
36	T. T. Allen	Joint Magistrate and Deputy Collector, Jessore.	...	Jan. 23, 1868	April 22, 1869	
37	J. S. Carstairs	Assistant Magistrate, 24-Pergunnahs.	Officiating Joint Magistrate, 24-Pergunnahs.	April 29, 1868	July 28, 1869	
38	P. Hurley	Ditto	...	April 15, 1868	July 14, 1869	
SPECIAL LEAVE.						
1	H. Balfour	Additional Judge of Chit-tagong.	...	Nov. 11, 1868	May 10, 1869	
2	W. J. Herschel	Magistrate and Collector, 1st Grade, Midnapore.	Officiating Commissioner of Burdwan.	July 14, 1868	Jan. 13, 1869	Since returned.
3	E. D. Lockwood	Magistrate and Collector, 2nd Grade, Noakhally.	...	Aug. 3, 1868	Feb. 2, 1869	
4	F. M. Halliday	Magistrate and Collector, 2nd Grade, Sarun.	...	April 15, 1868	April 14, 1869	Has been allowed six months' extension on medical certificate by the Secretary of State.
NOTE.—Total Absent				...	42	
Total of Civil Servants employed in Bengal				...	246	
Percentage of Absentees				...	17.4	
N. W. PROVINCES.						
FURLOUGH.						
1	W. S. Paterson	Judge of Agra	...	Sept. 1, 1868	Aug. 31, 1870	
2	R. N. Cust	...	...	Nov. 25, 1867	Nov. 24, 1868	Out of employ in England.
3	C. Horne	Judge of Mynpoory	...	Sept. 1, 1868	Aug. 31, 1870	
4	John Power	...	...	April 4, 1867	April 3, 1869	
5	Hon'ble R. Spaukie	Judge of the High Court, N. W. Provinces.	...	Nov. 25, 1868	Feb. 24, 1870	
6	J. W. Sherer	Magistrate and Collector, Boolundshuhur.	...	April 3, 1867	July 2, 1868	Granted seven months' extension by the Secretary of State.
7	S. S. Melville	...	...	July 25, 1867	July 24, 1870	
8	J. Simson	...	...	Mar. 26, 1867	Mar. 25, 1870	
9	W. Lane	...	...	April 23, 1866	April 22, 1869	Out of employ in England since 24th April 1868.
10	E. Waterfield	...	...	April 25, 1867	April 24, 1870	
11	H. A. Harrison	...	...	Mar. 4, 1867	Mar. 3, 1870	
12	A. Boulderson	...	...	April 15, 1868	April 14, 1871	
13	E. Macnaghten	Judge, Small Cause Court, Allahabad.	...	July 21, 1868	July 20, 1870	
14	E. G. Jenkinson	...	...	April 11, 1867	April 10, 1870	
15	W. C. Turner	...	...	April 11, 1867	April 10, 1869	
16	P. Vigram	...	...	July 24, 1867	July 23, 1870	
17	J. J. F. Lumsden	...	...	April 30, 1868	April 29, 1871	
18	J. D. Sanford	Registrar, High Court, N. W. Provinces.	...	July 28, 1868	July 27, 1870	
19	E. S. Robertson	...	...	Mar. 4, 1867	Mar. 3, 1870	
20	W. Kaye	Joint Magistrate, 1st Grade	...	Nov. 11, 1867	Feb. 10, 1869	
21	C. W. Carpenter	...	...	May 2, 1868	May 1, 1870	
22	T. B. Tracy	...	...	Jan. 11, 1868	Jan. 10, 1870	
23	C. H. T. Crosthwaite	Settlement Officer, 1st Grade	...	Feb. 14, 1868	May 13, 1869	
24	C. Twigg	Joint Magistrate and Deputy Collector, 1st Grade.	...	Mar. 19, 1868	June 18, 1869	
25	W. T. Church	Assistant Magistrate and Collector.	...	Mar. 15, 1868	Dec. 14, 1868	Granted three months' extension by the Secretary of State.
26	W. Thaine	Ditto	...	Nov. 21, 1867	Feb. 24, 1869	Since returned.
SPECIAL LEAVE.						
1	G. Palmer	Magistrate and Collector of Bijnour.	...	Oct. 25, 1868	Jan. 24, 1869	
NOTE.—Total Absent				...	27	
Total of Civil Servants employed in the North-Western Provinces				...	196	
Percentage of Absentees				...	13.77	

No.	NAMES.	Substantive Appointment.	Officiating Appointment (if any).	Date of commencement of Furlough or Leave.	Date of expiry of Furlough or Leave.	REMARKS.
PUNJAB.						
FURLOUGH.						
1	W. Ford	Commissioner	...	April 11, 1868	July 10, 1869	
2	J. E. L. Brandreth	Ditto	...	July 1, 1868	June 30, 1870	
3	F. H. Cooper	Ditto	...	Oct. 9, 1867	Jan. 8, 1869	
4	J. W. Macnabb	...	...	Mar. 24, 1866	Mar. 23, 1869	
5	R. G. Melvill	Assistant Commissioner	...	Feb. 28, 1867	Feb. 27, 1870	
6	C. U. Aitchison	Deputy ditto	...	Aug. 4, 1868	Nov. 3, 1869	
7	D. G. Barkley, M. A.	Assistant ditto	...	...	...
SPECIAL LEAVE.						
Nil.						
NOTE.—Total Absent ... 7						
Total of Civil Servants employed in the Punjab Commission ... 55						
Percentage of Absentees ... 12.72						
OUDE.						
FURLOUGH.						
1	R. M. King, B. A.	Deputy Commissioner, 2nd Grade.	...	July 20, 1868	July 19, 1870	
SPECIAL LEAVE.						
Nil.						
NOTE.—Total Absent ... 1						
Total of Civil Servants employed in Oude ... 20						
Percentage of Absentees ... 5						
CENTRAL PROVINCES.						
FURLOUGH.						
1	G. Campbell	Chief Commissioner	...	April 16, 1868	July 15, 1869	
2	J. S. Campbell	...	...	May 2, 1868	May 1, 1871	
3	A. J. Lawrence	...	...	May 4, 1867	May 3, 1869	
4	W. B. Jones	Deputy Commissioner, 2nd Class.	...	Sept. 15, 1868	Sept. 14, 1869	
5	C. E. Bernard	Commissioner of Nagpore Division.	...	April 1, 1868	Jan. 31, 1869	
SPECIAL LEAVE.						
Nil.						
NOTE.—Total Absent ... 5						
Total of Civil Servants employed in Central Provinces ... 14						
Percentage of Absentees ... 35.7						

The 12th February 1869.

No. 819.

The Right Hon'ble the Governor General in Council is pleased to re-attach to the Bengal Division of the Presidency of Fort William, Mr. H. B. Simson, of the Civil Service, who returned from furlough on the 2nd instant.

Judicial.

The 11th February 1869.

No. 228.

Under the provisions of Section 22 of Act VIII of 1859, the Governor General in Council is pleased to exempt the under-mentioned Native gentleman from personal appearance in the Civil Courts of the Central Provinces:—

Mahomed Nujuf Khan, Dewan of Seonee.

Education.

The 6th February 1869.

No. 74.

His Excellency the Governor General in Council is pleased to appoint the under-mentioned gen-

tleman to be Fellows of the University of Calcutta, viz.:—

Colonel H. W. Norman, C. B.
Surgeon Major C. R. Francis, M. B.
A. P. Howell, Esq., Civil Service.
The Reverend J. Trafford.
C. H. Tawney, Esq., M. A.
James Sanders, Esq.

Revenue.

(Geographical.)

The 9th February 1869.

No. 49.

The following Rules have been passed by the Governor General in Council, and are published for general information:—

Rules for admission to the Staff Corps from the Survey Department.

I.—The period of probation will be one year. If in any case strong special reasons render an extension of this term expedient, application should be made through the Surveyor General, or the Head of the Department in which the probationer is serving, in full time to permit of orders being passed before the period of probation expires.

II.—Every candidate will be required to furnish the certificates of which forms are given below, signed by his Commanding Officer and the Surgeon of his Regiment or Corps respectively.

III.—There will be distinct examinations, both preliminary and final, for the Topographical and Revenue Surveys (including the Topographical Branch of the Trigonometrical Survey), and for the Great Trigonometrical Survey.

IV.—For the Topographical and Revenue Surveys, the preliminary examination will embrace the following subjects:—

- 1.—Arithmetic, including involution and evolution, arithmetical and geometrical progression, proportion or rule-of-three, vulgar and decimal fractions, logarithmic calculations, and mensuration of surfaces.
- 2.—Elementary geometry, first four books of Euclid.
- 3.—Algebra, as far as quadratic equations, inclusive.
- 4.—Elements of plane trigonometry.
- 5.—Topographical, mechanical, or civil drawing, to be executed in the presence of examiners.

V.—Artillery Officers and Officers holding certificates of qualification granted at the Institutions of Addiscombe and Woolwich, or the Staff College, or Civil Engineering Colleges, or who may have passed an examination in surveying according to the Army Standard, will be exempted from undergoing any preliminary examination, and will, on being nominated, at once enter as probationers, and be attached to Survey Parties, to learn their practical duties in the field and during the recess.

VI.—The final examination for the Topographical and Revenue Surveys, to be held at the close of the period of probation, will comprise—

- 1.—The satisfactory execution, unassisted, of a small area of country, including the computation and entire mapping involved in the same.
- 2.—Perfect use and knowledge of all the instruments employed in the Department, and adjustment of the same.
- 3.—The elements of natural astronomy, sufficient for ascertaining time, azimuth, and latitude.
- 4.—A fair knowledge of all rules in force, for the general conduct of the Survey Establishments, in the Department to which the probationer is attached.

Each candidate will also be required to produce a certificate of having passed an examination by the higher standard in any vernacular languages prescribed by the Government under which the probationer is employed.

VII.—The examinations for the Topographical and Revenue Surveys will be conducted by the Head of the Department in which the probationer is serving, aided by such professional Officers, to the number of two, as may be available. Whenever desirable, sealed examination questions may be transmitted, in view of their being answered by the probationer in the presence of the Officer in charge of the Survey Party to which he is attached, in lieu of obliging him to appear at departmental head quarters for the purpose of examination.

VIII.—For the geodesical branch of the Trigonometrical Survey, the preliminary examination will be theoretical only, comprising mathematics up to conic sections, and the principles of construction of instruments in common use. The final examination will be theoretical and practical, embracing analytical geometry of three dimensions, statics, dynamics, astronomy, the construction of the instruments of the Great Trigonometrical Survey, and a practical familiarity with their management. Candidates for the Staff Corps will also be required to produce a certificate of having passed an examination by the higher standard in any vernacular language prescribed by the Government under which the probationer is employed.

IX.—The examiners will be the Superintendent of the Great Trigonometrical Survey, with any two available Officers of the Department at his head quarters.

X.—The degree of proficiency attained by candidates will be ascertained in both branches of the Survey Department by written questions, the examination papers being framed at departmental head quarters.

FORM OF CERTIFICATE REFERRED TO IN RULE II.

Certificate of Commanding Officer.

Certified that Lieutenant
of the Regiment,
a candidate for the
Staff Corps, completed three years' duty with a
Regiment on the
two years of which (or the whole period of
which, as the case may be) were spent in India.

Lieutenant
has passed the examination in the Native languages
which qualifies for staff employment, and has
attained such a knowledge of his drill and duty,
as an Officer of Infantry (or Cavalry) in all its
branches, as to qualify him for the command of a
Company (or Troop) in all situations. He also
possesses a fair knowledge of the Articles of War
and of the Queen's Regulations, as well of the
Military Regulations of the (Bengal, Madras, or
Bombay) Presidency, besides having gained some
general acquaintance with the organization and
nature of the duties of all branches of the Army
serving in
Bengal, Madras, or Bombay.

I further certify that, during the period Lieutenant
has
served with this Regiment, he has been attentive to his duty, and that his conduct has been in
all respects unexceptionable.

Station and date. Commanding Regiment.

Surgeon's Certificate.

I certify that, to the best of my belief, Lieutenant
is in good
bodily health, has good eyesight, and is apparently
well capable of undergoing the vicissitudes of
service in India.

Station and date. Surgeon, Regiment.

The 12th February 1869.

No. 59.

LEAVE.—Mr. F. Willaume, Assistant Superintendent, Survey and Settlement, Hyderabad Assigned Districts, obtained six months' leave to Europe on private affairs without pay, with effect from the 24th July 1868.

No. 61.

Lieutenant J. R. McCullagh, R. E., is appointed an Assistant Surveyor of the 2nd Grade and posted to the Great Trigonometrical Survey.

Legislative.

The 8th February 1869.

No. 80.

Read again the following papers regarding certain proposed changes in the organization of the Legislative Department of the Government of India :—

- 1.—Minute by the Hon'ble H. S. Maine, dated 22nd September 1868.
- 2.—Minute by the Hon'ble J. Strachey, dated 25th September 1868, concurred in by His Excellency the Commander-in-Chief and the Hon'ble G. N. Taylor.
- 3.—Minute by His Excellency the Governor General, dated 3rd October 1868.
- 4.—Minute by the Hon'ble Sir Richard Temple, dated 3rd October 1868.
- 5.—Minute by the Hon'ble H. S. Maine, dated 17th October 1868.

Read again the Despatch on the above subject addressed by the Government of India to Her Majesty's Secretary of State, No. 16, dated the 12th October 1868.

Read the Secretary of State's reply, No. 42, dated 23rd December 1868, sanctioning the proposal.

RESOLUTION.—The suggested changes in the organization of the Legislative Department having now been sanctioned by Her Majesty's Secretary of State for India, the Governor General in Council is pleased to direct that, from and after the 10th February 1869, the connection at present existing between the Home and Legislative Departments shall be severed; that the Legislative Department, which is at present a branch of the Home Office, shall in future be distinct; and that the Officer at the head of the Department shall be designated Secretary to the Council of the Governor General for making Laws and Regulations.

2. In thus constituting a separate Legislative Department, the Governor General in Council desires that it may be borne in mind that that Department is not, in respect of Government measures, an originating or initiating Department, and that its proper function in respect of such measures is to clothe with a technical shape projects of Law of which the policy has been affirmed elsewhere.

3. All legislative proposals on the part of Government should therefore first be considered in the Executive Department in which they originate, or to which their subject belongs. The necessity for legislation will there be affirmed, and all points connected with such legislation will there be con-

sidered and settled, except the technical detail of the Bill to be submitted to the Council for making Laws and Regulations. The papers, with the orders of Government thereon, will then be transmitted by the Executive Department direct to the Legislative Department.

4. The Secretary of the Executive Department to which a Bill pertains will be present during its discussion in the Legislative Council.

5. In accordance with the arrangement above indicated, the Governor General in Council is pleased to direct that all legislative proposals emanating from Local Governments and Administrations shall be addressed not to the Legislative Department, but to the proper Executive Department of the Government of India; and if a proposal for legislation should accidentally reach the Legislative Department direct, that Department shall refer it at once to the proper Executive Department for instructions as to the necessity for legislation and as to the character and tenor of the Bill embodying it.

6. The Governor General in Council further directs that, should a question of policy arise even after the reference to the Legislative Department, and during the technical manipulation of the Bill, such question shall not be disposed of in the Legislative Department, but shall be executively considered in the Department of the Government of India to which it belongs.

7. When once a measure has been referred to the Legislative Department, that Department shall correspond directly with the Local Governments and Administrations, and all correspondence with Her Majesty's Government relating to Bills and Acts, whether of the Imperial or Local Councils, shall in future be conducted in the Legislative Department.

8. With respect to Bills passed in the Local Councils and submitted for the assent of the Governor General, and projects of local laws submitted for preliminary approval to the Government of India, the Governor General in Council directs that they shall be forwarded by the Local Governments to the Government of India in the Executive Department to which their subject belongs. After consideration in that Department, the papers shall be transferred, with an opinion as to the policy of the measure, to the Legislative Department for disposal.

9. The duties devolving on the Governor General in Council under 24 and 25 Vict., Cap. 67, Secs. 17 and 18, will be still transacted through the Home Office.

10. For all purposes except the above, the Legislative division of the business of the Home Office will cease, and will devolve on the new Legislative Department.

11. The proceedings of the Government of India in the Legislative Department will be recorded in the same way as they have heretofore been recorded, and copies forwarded to Her Majesty's Government.

ORDERED, that copies of this Resolution be communicated to the Governments, Administrations and Departments named below, for information and guidance :—

Governments of Madras, Bombay, Bengal, N. W. Provinces, and Punjab; Chief Commissioners of

Oude, Central Provinces, and British Burmah; Resident at Hyderabad; Commissioner of Coorg; Foreign Department; Military Department; Financial Department; Public Works Department, and Legislative Department.

Also to Director General of Post Offices, with a request that he will arrange for the correspondence of the new Department being placed on the footing of a separate Secretariat.

No. 69.

With reference to the foregoing Resolution, the Governor General in Council is pleased to appoint Mr. Whitley Stokes to be Secretary to the Council of the Governor General for making Laws and Regulations, with effect from the 10th instant.

Ecclesiastical.

The 10th February 1869.

No. 76.

The Reverend Clement Reginald Tollemache has been appointed by Her Majesty's Secretary of State for India to be a Junior Chaplain on the Bengal Establishment.

The 12th February 1869.

No. 78.

The Reverend G. Lovely, Senior Chaplain on the Bengal Establishment, has reported his departure from India by the Ship "Newcastle," which was left by the Pilot at sea on the 20th ultimo.

E. C. BAYLEY,

Secy. to the Govt. of India.

FOREIGN DEPARTMENT.

NOTIFICATIONS.

General.

Fort William, the 11th February 1869.

No. 257.

Major Hastings Fraser, of the Madras Staff Corps, appointed to be Military Secretary to the Resident at Hyderabad by Notification No. 84, dated 12th instant, assumed charge of his office on the morning of the 25th ultimo.

No. 259.

APPOINTMENT.—In consequence of the departure of Colonel W. T. Hughes to take the command of the Punjab Frontier Force, Captain C. Martin assumed charge of the office of Political Agent in Western Malwa on the 15th ultimo, as a temporary arrangement.

No. 261.

APPOINTMENT.—Mohummud Saliha, Amildar of Mudgiri, to be an Assistant Superintendent of the 5th Grade in the Mysore Commission.

No. 263.

APPOINTMENT.—In consequence of the approaching departure on furlough to Europe of Captain A. W. C. Lindsay, Officiating Deputy Superintendent of the Bangalore District, the Viceroy and Governor General in Council is pleased to sanction the following appointments:—

Major J. Puckle, Cantonment Magistrate of Bangalore, to officiate as Deputy Superintendent of the Bangalore District.

Captain E. D. Gompertz, Superintendent of Police, to officiate as Cantonment Magistrate of Bangalore.

Mr. E. R. Christian to officiate as Superintendent of Police for the District and Cantonment of Bangalore.

No. 266.

PROMOTIONS.—The following promotions and appointment are sanctioned in the Central Provinces Commission, consequent on the retirement from the service of Azeezooddeen, Extra Assistant Commissioner, 1st Class:—

Mr. D. A. Cameron, Extra Assistant Commissioner, 2nd Class, to be Extra Assistant Commissioner, 1st Class.

Nobin Kristo Bose, Extra Assistant Commissioner, 3rd Class, to be Extra Assistant Commissioner, 2nd Class.

Mahomed Zainoolabdeen Khan, Extra Assistant Commissioner, 4th Class, to be Extra Assistant Commissioner, 3rd Class.

Nobin Chunder Banerjya, Superintendent, Settlement Commissioner's Office, to be Extra Assistant Commissioner, 4th Class.

Telegraph.

The 11th February 1869.

No. 124.

The under-mentioned gentlemen, appointed by Her Majesty's Secretary of State for India as Assistant Superintendents of the 4th Grade in the Telegraph Department, with effect from the dates specified opposite their names, reported their arrival at Calcutta on the 3rd instant:—

William Edward Ayrton	...	} 1st Sept. 1868.
Frederick Gurr Maclean	...	
Charles Thuillier Smyth	...	
Gerald Joseph Hare	...	} 26th Nov. 1868.
John Gould Pope	...	
Edward Charles Bied	...	

No. 126.

LEAVE.—Mr. George O'Donnell, a Superintendent of the 1st Grade in the Telegraph Department, British Burmah, is granted leave of absence on medical certificate for 20 months to Europe, with effect from the date on which he may avail himself of it.

W. S. SETON-KARR,

Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

Fort William, the 7th February 1869.

No. 908.

Read—

Letter No. 3805, dated 29th December 1868, to the Officiating Accountant General of the Punjab, ruling that privilege leave might be taken in continuation of the two months' leave admissible to a junior Civil Servant who passes a successful examination in the Oriental languages, and that the two months may be regarded as qualifying for privilege leave.

Letter No. 56, dated 19th January 1869, from the Accountant General of Madras, asking whether special leave may be taken in continuation of the two months' examination leave.

OBSERVATIONS.—The Governor General in Council observes that the letter of the 29th December 1868 conveys a wrong impression of the intention of the Government of India. The Government did not mean to authorize privilege leave to be added to and combined with the two months' examination leave, but merely to rule that this latter leave should not interrupt the reckoning for privilege leave, and indeed should be considered as service qualifying for privilege leave, so that if entitled, an Officer might obtain privilege leave immediately on the expiration of the examination leave. It will in all cases be necessary for an Officer to rejoin his post after the expiration of the two months' examination leave, and no leave must be taken simply in continuation of such leave.

ORDERED, that the foregoing Resolution be published in the *Gazette of India*, and communicated to the Foreign and Home Departments; the Governments of Bengal, Madras, Bombay, the North-Western Provinces, and the Punjab; the Comptroller General of Accounts; the Director General of the Post Office of India; the Accountants General in Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah; and the Deputy Accountants General in the Central Provinces, Hyderabad, and Mysore.

The 8th February 1869.

No. 965.

Read—

The Notification of this Department, No. 534, dated the 16th June 1868, publishing revised rules for the grant of acting allowances to Covenanted Civil Servants.

RESOLUTION.—In the first of the above-mentioned rules, it is stated that the minimum of acting allowance must be two-thirds of the difference between the salary of the acting Officer's substantive appointment and the salary of the appointment in which he is officiating. To explain the effect of this rule in cases where salaries are progressive, the Governor General in Council is pleased to declare that in applying the rule to such cases, the salary of the appointment in which the Officer concerned is officiating shall be understood to mean the minimum salary, and the salary of his substantive appointment shall be understood to mean his substantive salary at the time.

ORDERED, that the foregoing Resolution be published in the *Gazette of India*, and communicated to the Foreign and Home Departments; the Governments of Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah; the Comptroller General of Accounts; the Director General of the Post Office of India; the Mint Master of Calcutta; the Head Commissioner of Paper Currency, Calcutta; the Accountants General in Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah; and the Deputy Accountants General in the Central Provinces, Hyderabad, and Mysore.

The 9th February 1869.

No. 969.

Surgeon Major J. F. Shekleton, A. B., M. B., made over charge of the office of Assay Master of the Calcutta Mint to Surgeon H. E. Busteed, M. D., on the afternoon of the 1st instant.

Assistant Surgeon E. Sexton, M. D., Bombay Medical Establishment, is appointed to officiate as Deputy Assay Master of the Calcutta Mint during the absence of Surgeon P. F. Bellow on deputation at Madras, or until further orders.

The 10th February 1869.

No. 1002.

Mr. Frederic de Hochpied Larpent is appointed to officiate in the 5th Class of the Financial Department, and posted to the Office of the Accountant General, Punjab.

The 11th February 1869.

No. 1030.

In continuation of Notification No. 386, dated the 15th January 1869, the following Statement of Cash Balances, as reported up to this date, in the Government Treasuries in India, at the close of the month of December last, contrasted with that of the previous years, is published for general information:—

	DECEMBER 1866.	DECEMBER 1867.	DECEMBER 1868.
	Rs.	Rs.	Rs.
Government of India ...	53,66,962	74,90,466	51,34,738
Bengal ...	1,15,70,996	1,46,15,277	1,46,49,737
British Burmah ...	13,63,146	19,71,597	22,05,083
North-Western Provinces ...	1,93,28,721	1,99,48,039	1,42,63,704
Oudh ...	38,48,874	42,36,647	42,35,221
Punjab ...	94,82,843	98,18,619	86,82,806
Bombay ...	1,34,72,366	1,37,27,145	98,43,289
Central Provinces ...	33,13,898	43,95,286	41,49,443
Madras ...	1,59,99,098	1,94,97,751	1,75,08,334
Berars ...	8,37,46,904	9,67,00,827	8,01,62,355
	32,16,257	*	*
TOTAL ...	8,69,63,161	9,57,00,827	8,01,62,355

* The Cash Balance of the Berars is omitted; their Revenue and Charges being now excluded from those of the Government of India.

The 12th February 1869.

No. 1032.

Monthly Statement of Accounts received up to the
30th January 1869.

ACCOUNTING OFFICERS AND DEPARTMENTS.	For 1868-69.	
	Date of Receipt.	Up to what Month.
Accountant General, Bengal	Jan. 5, 69.	Nov. 1868
Ditto, Madras	" 8, "	Ditto
Ditto, British Burmah	" 11, "	Ditto
Ditto, Punjab	" 11, "	Ditto
Deputy Accountant General, Central Provinces	" 15, "	Ditto
Accountant General, Bombay	" 25, "	Ditto
Ditto, N. W. Provinces (for Oude)	Dec. 29, 68.	Oct. 1868*
Ditto, N. W. Provinces (for N. W. Provinces)	" 29, "	Ditto
Treasury and Departmental Accounts Branch (for India)	Jan. 30, 69.	Ditto
Public Works Department	" 5, "	Sept. 1868†
Military Department	" 15, "	Ditto‡

* Account for November 1868 received on 1st instant.

† Ditto for October ditto ditto.

‡ Incomplete.

No. 1039.

Mr. T. Peachey made over charge of the Office of Deputy Comptroller General of Accounts to Mr. E. Gay, M. A., on the afternoon of the 5th instant.

R. B. CHAPMAN,

Offg. Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Establishment.

Fort William, the 8th February 1869.

No. 39.

Mr. C. S. Rundle, is appointed to the Public Works Department as an Executive Engineer of the 2nd Grade, and posted to the Punjab.

The 11th February 1869.

No. 40.

Lieutenant Colonel J. F. Stoddard, Madras Staff Corps, is appointed to the Public Works Department, as an Executive Engineer of the 1st Grade, and posted to British Burmah for special duty.

No. 41.

Lieutenant Colonel C. D. Newmarch, R. E., Officiating Chief Engineer, Oudh, is allowed preparatory leave, with effect from the 5th February 1869.

C. H. DICKENS, Colonel, R. A.,
Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 9th February 1869.

No. 154 of 1869.—With reference to paragraph

* Financial Resolution No. 1031, dated 25th February 1864.

Para. 4.—The Subordinate Establishments of Controllers, Accountants, and Examiners in every part of India will remain as at present, all appointments and promotions will be made by the Government in the Military Department, and it will be the duty of the Accountant General (now Controller General of Military Expenditure) to advise in all matters relating to the conditions of appointment and promotion, so as to secure the highest practicable standard of qualification.

4* of the Resolution of the Government of India in the Financial Department, published in Government General Order No. 197, dated 7th March 1864, and to the avowed object of that order, viz., the complete sub-

ordination of the whole Departmental system of Military account and audit to the Military Department of the Government of India, the Right Hon'ble the Governor General in Council is pleased to announce, with the view of removing all misapprehension, that the Military Account Department at the three Presidencies was, by the above General Order, constituted one Department, and that the Officers attached thereto were by such order, and are now, in direct and immediate subordination to the Military Department of the Government of India; in the Account Branch of which all business affecting Military Account will, as it heretofore has been, be administered by the Controller General of Military Expenditure, who is the head of the Military Account Department for all India.

2. For the purpose of giving more practical effect to this arrangement, the Right Hon'ble the Governor General in Council is pleased to declare that the Controllers, Military Accountants, Examiners, Circle and Deputy Pay Masters at the three Presidencies, will now be placed on one roster for Departmental promotion and transfer from Presidency to Presidency, as the good of the public service may require.

3. All appointments to, or promotions in, the Account Department, whether permanent or temporary, will in future be made by the Government of India in the Military Department, which will at all times carefully consider the claims to promotion on the grounds of standing, good service, &c., of all Officers of the Department. It must, however, be clearly understood that, whenever it deems it expedient to do so for the greater advantage of the public service, the Government of India will exercise its undoubted right of selecting any one of its servants, to whatever branch of the service he may belong, to fill any vacancy that may occur in the higher grades. It will at the same time be always open to the Governments of Madras and Bombay, on the actual or expected occurrence of vacancies, to submit to the Government of India the names and qualifications of any Officers serving in those Presidencies, whom they may consider deserving of promotion in, or appointment to, the Military Account Department.

4. In cases of emergency, the Local Governments will make such arrangements as may appear suitable for the conduct of the duties of any of the appointments in the Military Account Department which may become suddenly vacant, subject to the further orders of the Government of India, to whom the circumstances should be reported without delay.

No. 155 of 1869.—The under-mentioned Officer of the Bengal Staff Corps having completed 26 years' service, is promoted to the rank of Lieutenant Colonel, from the date specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

Major Alexander Gregor For- } 7th Feb. 1869.
syth.

No. 156 of 1869.—The under-mentioned Officer of the Bengal Staff Corps having completed 20 years' service, is promoted to the rank of Major, from the date specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

Captain James Graham ... 7th Feb. 1869.

The 10th February 1869.

No. 157 of 1869.—His Excellency the Viceroy and Governor General of India has been pleased to make the following appointments on His Lordship's Personal Staff, with effect from the 13th ultimo:—

To be Honorary Aides-de-Camp.

Captain (Brevet Lieutenant Colonel) A. J. Hadfield, of the Madras Invalid Establishment.

Captain (Brevet Colonel) D. M. Probyn, c. B., v. c., of the late 3rd European Light Cavalry.

Lieutenant Colonel Sir W. H. R. Green, c. B., K. C. S. I., of the Bombay Staff Corps.

Captain (Brevet Major) J. W. W. Osborne, c. B., of the Madras Staff Corps, Political Agent, Bhopal.

No. 158 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointments:—

PUNJAB FRONTIER FORCE.

2nd Cavalry.

Assistant Surgeon S. C. Courtney, M. D., of the 1st Cavalry, to the medical charge, *vice* Surgeon G. Farrell, proceeded on furlough to Europe.

1st Cavalry.

Assistant Surgeon G. Thomson, M. B., of the 4th Sikh Infantry, to the medical charge, *vice* Assistant Surgeon S. C. Courtney.

No. 159 of 1869.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Honorary Lieutenant James }
Crohan, Assistant Commis- } For two years.
sary of Ordnance, attached }
to the Gunpowder Agency at }
Ishapore. }

No. 160 of 1869.—The under-mentioned Officers are allowed furlough to Europe (medical certificate):—

Captain George Machardy } For two years,
Bowie, of the Madras Staff } under the Re-
Corps, District Superintend- } gulations of
ent of Police, Jessore. } 1868.

Captain Alexander Brodie }
Melville, of the Bengal Staff } For six months,
Corps, Surveyor, No. 1 Topo- } under the Re-
graphical Party, in charge of } gulations of
the Photographic and Photo- } 1868.
zincographic Branch, Sur- }
veyor General's Office. }

The 11th February 1869.

No. 161 of 1869.—The under-mentioned Warrant Officer has reported his return from England:—

Sub-Conductor T. Taylor, of } *Date of arrival at*
the Army Commissariat De- } Fort William.
partment. } 7th January
1869.

No. 162 of 1869.—The services of Lieutenant C. E. Wheeler, of Her Majesty's 95th Foot, a candidate for the Staff Corps, are placed at the disposal of the Foreign Department.

No. 163 of 1869.—The following appointment is made:—

Army Commissariat Department.

Lieutenant H. J. Barton, of the Bengal Staff Corps, 3rd Squadron Officer, 18th Bengal Cavalry, to be a Sub-Assistant Commissary General of the 3rd Class, on probation, *vice* Captain C. O'Donel, promoted to the 2nd Class.

No. 164 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Quarter Master General's Department.

Captain (Brevet Lieutenant Colonel) F. S. Roberts, v. c., of the Royal Artillery, to be 1st Assistant Quarter Master General, *vice* Major C. C. Johnson, whose term of staff service in that grade has expired.

No. 165 of 1869.—Lieutenant Colonel George Frederick Shakespear, Madras Staff Corps, having completed five years' service as substantive Lieutenant Colonel, is promoted to the rank of Colonel by Brevet from the 10th February 1869, under the operation of the Royal Warrant, dated 16th January 1861, Clause 2, subject to Her Majesty's approval.

No. 166 of 1869.—Supernumerary Surgeon George Alder Watson, of the Medical Department, is brought on the establishment of Surgeons to fill an existing vacancy.

The 12th February 1869.

No. 167 of 1869.—Colonel B. Boyd, of Infantry, who was granted furlough to Europe on private affairs for three years, under the Regulations of 1796, by Government General Order No. 56, dated 15th January 1869, will embark at Bombay.

No. 168 of 1869.—His Excellency the Governor General in Council has much satisfaction in publishing for general information the following Military letter from the Right Hon'ble the Secretary of State for India, No. 6, dated 13th January 1869:—

MILITARY.

INDIA OFFICE;

No. 6.

London, 13th February 1869.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have received and considered in Council

your Military letters noted in the margin, on the subject of the operations of the Hazara Field Force.

2. I have also received and perused with much interest and

satisfaction your Despatch No. 447, dated the 7th November, and its enclosures, from which I learn that the operations have been brought to a successful termination, and in which you express your approbation of the manner in which the expedition has been conducted by Major General A. T. Wilde, C. B., C. S. I., and the Officers and troops under his orders.

3. I shall cause the General Order which you have issued on this occasion, together with the several Despatches to which it refers, to be published in the *London Gazette*, and I avail myself of this occasion to express to your Excellency in Council the high sense which Her Majesty's Government entertain of the energy and judgment displayed throughout these proceedings by the Government of India and by His Excellency the Commander-in-Chief.

4. Her Majesty's Government entirely concur also in the opinions which your Government have recorded regarding the conduct of Major General Wilde and the Officers, Political and Military, concerned in this brief and successful expedition. That the force should have had to encounter comparatively slight resistance in the course of its operations in a country presenting natural difficulties of a most formidable character is, I cannot doubt, mainly due to the admirable manner in which the force was organized and equipped, and the skill and determination with which its operations were conducted, no less than the excellent spirit displayed by the troops themselves. His Royal Highness the Field Marshal Commanding-in-Chief has expressed to me his concurrence in these sentiments.

I have, &c.,

ARGYLL.

No. 169 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointment, with effect from the 10th January 1868:—

PUNJAB FRONTIER FORCE.

4th Cavalry.

Cornet C. A. H. Banister, of the 19th Hussars, candidate for the Staff Corps, Officiating 2nd Squadron Subaltern, to be 2nd Squadron Subaltern

on probation, *vice* Lieutenant Blake, appointed 1st Squadron Subaltern.

No. 170 of 1869.—The following order issued by the Government of Bombay is confirmed:—

No. 58, dated 22nd January 1869.—Granting furlough to Europe on medical certificate under the Regulations of 1854, to Lieutenant Colonel John Clarke Phillips Prescott, of the Madras Staff Corps, Commandant, 3rd Infantry, Hyderabad Contingent.

No. 171 of 1869.—The under-mentioned Officer is allowed furlough to Europe (medical certificate):—

Lieutenant Christopher George Cautley, of the General List, Cavalry, Assistant, Pay Department.	For two years, under the Regulations of 1868.
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No. 172 of 1869.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Lieutenant Colonel Frederick Charles Maisiey, of Infantry, Deputy Judge Advocate General at Army Head Quarters.	For two years, under the Regulations of 1868, embarking at Bombay after the 30th March 1869.
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Lieutenant Colonel William Metcalf, of the Bengal Staff Corps.	For two years, under the Regulations of 1868.
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Lieutenant Colonel George Gibson Anderson, of Infantry.	For three years, under the Regulations of 1796.
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Lieutenant Colonel William Boyd Irwin, of the Bengal Staff Corps, Sub-Assistant, Stud Department.	For two years, under the Regulations of 1868.
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Lieutenant Colonel Thomas Warren Mercer, of the Bengal Staff Corps, Deputy Commissioner, Punjab.	For nine months, under the Regulations of 1868.
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Surgeon Major William White, M. D., of the Medical Department, Civil, Akyab.	For two years, under the Regulations of 1868, embarking at Bombay.
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Surgeon John Lindsay Stewart, M. D., of the Medical Department, Conservator of Forests, Punjab.	For two years, under the Regulations of 1868, embarking at Bombay.
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Major Charles Henry Hall, of the Bengal Staff Corps, Deputy Commissioner, Punjab.	For two years, under the Regulations of 1868, embarking at Bombay.
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Major William Henry Paget, of the Bengal Staff Corps, Commandant, 5th Cavalry, Punjab Frontier Force.	For two years, under the Regulations of 1868, embarking at Bombay.
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No. 173 of 1869.—The following promotions and alterations of rank are made, subject to Her Majesty's approval:—

PROMOTIONS.

Corps.	RANK AND NAMES.	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN WHOSE ROOM.
Cadre of the late 39th N. I.	Captain (Lieut. Col. in Staff Corps) H. King.	Major ...	Nov. 1, 1868	{ Major (Lieut. Col. in Staff Corps) J. D. MacDonald, promoted.
Ditto ...	Lieut. Woodburn Francis Bartleman ...	Captain ...		
Genl. List, Infy.	Lieut. J. Hay (Staff Corps) ...	Captain ...	Dec. 31, 1868	Captain F. H. Goold, late 47th N. I., removed from the service.
Infantry ...	Major (Lieut. Col. in Staff Corps) H. B. A. Poulton.	Lieut. Col...	Jan. 29, 1869	{ Lieut. Col. (Bt. Col.) J. F. D'E. W. Hall, deceased.
Cadre of the late 64th N. I.	Captain (Major in Staff Corps) R. Davidson.	Major ...		
Ditto ...	Lieut. William Duncan Macturk ...	Captain ...	Ditto	{ Lieut. Col. H. B. A. Poulton (Staff Corps), removed from the list of Regtl. Lieut. Cols.
Infantry ...	Major (Captain in Staff Corps) R. A. Nowell.	Lieut. Col...		
Cadre of the late 32nd N. I.	Captain Robert Blair ...	Major ...	Ditto	{ Lieut. Col. R. A. Nowell (Capt. in Staff Corps), removed from the list of Regtl. Lieut. Cols.
Genl. List, Infy.	Lieut. Arthur Fitzgerald ...	Captain ...		
Infantry ...	Major (Lieut. Col. in Staff Corps) E. N. Perkins.	Lieut. Col...	Ditto	{ Lieut. Col. E. N. Perkins (Staff Corps), removed from the list of Regtl. Lieut. Cols.
Cadre of the late 14th N. I.	Captain (Major in Staff Corps) S. C. D. Ryder.	Major ...		
Ditto ...	Lieut. L. C. deL. Daniell (Staff Corps)	Captain ...	Ditto	{ Lieut. Col. J. E. Cracroft (Staff Corps), removed from the list of Regtl. Lieut. Cols.
Infantry ...	Major S. Black (Staff Corps) ...	Lieut. Col.		
Cadre of the late 37th N. I.	Captain (Major in Staff Corps) P. Maxwell.	Major ...	Ditto	{ Lieut. Col. C. L. Montgomery (Staff Corps), removed from the list of Regtl. Lieut. Cols.
Ditto ...	Lieut. J. W. A. Michell (Staff Corps) ...	Captain ...		
Infantry ...	Major (Lieut. Col. in Staff Corps) J. E. Cracroft.	Lieut. Col.	Ditto	{ Lieut. Col. C. H. Byers (Staff Corps), removed from the list of Regtl. Lieut. Cols.
Cadre of the late 69th N. I.	Captain (Major in Staff Corps) J. I. Willes.	Major ...		
Ditto ...	Lieut. F. R. A. B. Constable (Staff Corps)	Captain ...	Ditto	{ Lieut. Col. C. C. Johnson (Staff Corps), removed from the list of Regtl. Lieut. Cols.
Infantry ...	Major (Lieut. Col. in Staff Corps) C. L. Montgomery.	Lieut. Col.		
Cadre of the late 65th N. I.	Captain (Major in Staff Corps) A. Combe	Major ...	Ditto	{ Lieut. Col. (Major in Staff Corps) S. Black, removed from the list of Regtl. Lieut. Cols.
Ditto ...	Lieut. R. M. B. Thomas (Staff Corps) ...	Captain ...		
Infantry ...	Major (Lieut. Col. in Staff Corps) C. H. Byers.	Lieut. Col.	Ditto	{ Lieut. Col. C. H. Byers (Staff Corps), removed from the list of Regtl. Lieut. Cols.
Cadre of the late 70th N. I.	Captain (Lieut. Col. in Staff Corps) C. Murray.	Major ...		
Genl. List, Infy.	Lieut. Herbert Seymour Marshall ...	Captain ...	Ditto	{ Lieut. Col. (Major in Staff Corps) C. C. Johnson, removed from the list of Regtl. Lieut. Cols.
Infantry ...	Major C. C. Johnson (Staff Corps) ...	Lieut. Col.		
Cadre of the late 33rd N. I.	Captain (Lieut. Col. in Staff Corps) G. B. Malleson.	Major ...	Ditto	{ Lieut. Col. (Major in Staff Corps) C. C. Johnson, removed from the list of Regtl. Lieut. Cols.
Ditto ...	Lieut. (Captain in Staff Corps) C. F. Battye.	Captain ...		
Infantry ...	Major (Captain in Staff Corps) H. P. W. Wynch.	Lieut. Col.	Ditto	{ Lieut. Col. (Major in Staff Corps) C. C. Johnson, removed from the list of Regtl. Lieut. Cols.
Cadre of the late 59th N. I.	Captain J. Angelo (Staff Corps) ...	Major ...		
Genl. List, Infy.	Lieut. Edmund Denman Smith ...	Captain ...		

PROMOTIONS,—continued.

CORPS.	RANK AND NAMES.	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN WHOSE ROOM.
Infantry ...	Major (Lieut. Col. in Staff Corps) E. Smyth.	Lieut. Col. ...	Jan. 29, 1869	{ Lieut. Col. (Captain in Staff Corps) H. P. W. Wynch, removed from the list of Regtl. Lieut. Cols.
cadre of the late 13th N. I.	Captain (Lieut. Col. in Staff Corps) A. R. E. Hutchinson.	Major ...		
Ditto ...	Lieut. (Captain in Staff Corps) A. S. Thain	Captain ...		
Infantry ...	Major (Captain in Staff Corps) A. A. Currie.	Lieut. Col. ...	Ditto ...	{ Lieut. Col. E. Smyth (Staff Corps), removed from the list of Regtl. Lieut. Cols.
cadre of the late 45th N. I.	Captain J. W. Hoggan (Staff Corps) ...	Major ...		
Ditto ...	Lieut. (Captain in Staff Corps) E. Swetenham.	Captain ...		
Infantry ...	Major J. C. Millar (Staff Corps) ...	Lieut. Col. ...	Ditto ...	{ Lieut. Col. (Captain in Staff Corps) A. A. Currie, removed from the list of Regtl. Lieut. Cols.
cadre of the late 29th N. I.	Captain (Major in Staff Corps) J. B. Smyth.	Major ...		
General List, Infantry.	Lieut. J. S. Tait (Staff Corps) ...	Captain ...		
Infantry ...	Major G. J. D. Hay (Staff Corps) ...	Lieut. Col. ...	Ditto ...	{ Lieut. Col. (Major in Staff Corps) J. C. Millar, removed from the list of Regtl. Lieut. Cols.
cadre of the late 57th N. I.	Captain (Major in Staff Corps) C. Shaw...	Major ...		
Ditto ...	Lieut. Henry Campbell Garden ...	Captain ...		
Infantry ...	Major Charles Phayre Hildebrand ...	Lieut. Col. ...	Ditto ...	{ Lieut. Col. (Major in Staff Corps) G. J. D. Hay, removed from the list of Regtl. Lieut. Cols.
cadre of the late 10th N. I.	Captain Horace Albert Browne ...	Major ...		
Ditto ...	Lieut. (Captain in Staff Corps) J. Fitz-Gerald.	Captain ...		

ALTERATIONS OF RANK.

CORPS.	RANK AND NAMES.	TO RANK FROM	IN WHOSE ROOM.
cadre of the late 39th N. I.	Captain W. A. Garden (Staff Corps) ...	July 3, 1866	Captain (Bt. Major) G. H. Gordon, retired.
Ditto ...	Captain E. H. C. Simpson (Staff Corps)...	June 29, 1867	Captain (Lieut. Col. in Staff Corps) C. F. Smith, promoted.
Ditto ...	Captain F. Wheeler (Staff Corps) ...	June 8, 1868	Captain (Lieut. Col. in Staff Corps) J. D. MacDonald, promoted.
cadre of the late 3rd E. B. F.	Captain C. H. Cantor (Staff Corps) ...	Feb. 6, 1868	Captain (Major in Staff Corps) J. F. Campbell, promoted.
Ditto ...	Captain T. N. Walker (Staff Corps) ...	Feb. 9, 1868	Captain A. L. Douglas (104th Foot), deceased.
cadre of the late 13th N. I.	Captain A. G. Ross (Lieut. in Staff Corps)	Oct. 30, 1868	Captain R. G. Armstrong (Staff Corps), deceased.
General List, Infantry.	Captain Henry Fox Bunbury ...	Nov. 1, 1868	Captain (Major in Staff Corps) J. Fendall, late 17th N. I., promoted.
Ditto ...	Captain Vincent William Tregear ...	Nov. 10, 1868	Captain (Major in Staff Corps) E. H. Paske, late 53rd N. I., promoted.

MEMORANDUM.—The promotion of Captain (Bt. Major) G. H. Gordon, late 39th N. I. (retired) to the rank of Lieutenant Colonel and Regimental Major, published in Government General Orders No. 597 and No. 1174 of 1868, is hereby cancelled.

No. 174 of 1869.—The under-mentioned Officer is permitted to proceed to Europe on furlough on private affairs:—

Lieutenant Colonel Lestock } Fortwo years, under the Regulations of 1868, embarking at Bombay.
Boileau Jones, of the Bengal Staff Corps, Commandant, 3rd Cavalry Punjab Frontier Force.

No. 175 of 1869.—The under-mentioned Officers have reported their return from England:—

Major General J. Travers, v. c., } 30th January 1869.
of Infantry.
Assistant Surgeon C. Hatchell, } of the Medical Department.

Lieutenant R. C. Beavan, of } 5th February 1869.
the Bengal Staff Corps.

No. 176 of 1869.—The following promotions are made in the under-mentioned Corps of the Native Army:—

Corps.	RANK AND NAMES.	TO WHAT RANK PROMOTED.	FROM WHAT DATE.	IN WHOSE ROOM.
32nd (Punjab) Regiment of Native Infantry (Pioneers).	Jemadar Soda-gur Singh.	Subadar ...	20th Apl. 1868	Nund Sing, deceased.
	Havildar Lal Singh.	Jemadar ...	Ditto ...	Sodaghar Singh, promoted.

No. 177 of 1869.—The leave of absence for four months to visit Mussoorie on private affairs, granted to Lieutenant Colonel W. B. Irwin, of the Bengal Staff Corps, Sub-Assistant, Stud Department, by Government General Order No. 584, dated 12th June 1868, is to be held to have had effect from the 14th instead of the 15th June 1868, and to be considered as in extension of privilege leave.

No. 178 of 1869.—The under-mentioned Officers have reported their departure on the dates specified opposite to their names:—

Lieutenant A. E. Downing, } 12th December 1868, from Bombay.
of the late 51st Regiment Native Infantry, Government General Order No. 1180 of 1868.

Lieutenant W. F. Badgley, of } "Salsette," 23rd January 1869, from Bombay.
the Bengal Staff Corps, Government General Order No. 1230 of 1868.

Lieutenant Colonel G. McAndrew, of the Bengal Staff Corps, Government General Order No. 1203 of 1868.

Captain W. H. Mackesy, of the Bengal Staff Corps, Government General Order No. 884 of 1868.

Captain T. H. Lewin, of the Bengal Staff Corps, Government General Order No. 114 of 1869.

Lieutenant D. Darroch, of the Bengal Staff Corps, Government General Order No. 56 of 1869.

Lieutenant Colonel R. C. Wroughton, of Infantry, Government General Order No. 20 of 1869.

Lieutenant C. R. Pennington, of the Bengal Staff Corps, Government General Order No. 19 of 1869.

Captain B. T. Stafford, of the Bengal Staff Corps, Government General Order No. 1180 of 1868.

"Essex," February 1869.

"Bengal," February 1869, from Bombay.

No. 179 of 1869.—Lieutenant A. D. Campbell, of the Bengal Staff Corps, who was granted furlough to Europe on private affairs for two years under the Regulations of 1868, by Government General Order No. 91, dated 22nd January 1869, will embark at Bombay.

No. 180 of 1869.—With reference to paragraph 27 of Government General Order No. 560 dated 5th June 1868, and under authority of the Right Hon'ble the Secretary of State for India it is hereby notified that the grant of pensions to widows of Medical Warrant Officers is subject to the usual declaration that their husbands do not die possessed of property to the following amounts:—

Honorary Assistant Surgeons ... Rs. 10,000
Other grades ... " 7,500

No. 181 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointments:—

PUNJAB FRONTIER FORCE. 2nd Cavalry.

Captain F. Hammond, 2nd Squadron Officer 5th Cavalry, to act as 2nd in Command and Squadron Officer, vice Captain Gillespie, who re-transferred to his own Regiment, the 4th Cavalry.

3rd Cavalry.

Captain A. Vivian, 2nd in Command, and Officiating Commandant, 1st Cavalry, to officiate as Commandant during the absence on furlough of Lieutenant Colonel Jones, or until further orders.
Lieutenant J. D. Macpherson, Adjutant, to act as 2nd in Command and Squadron Officer, vice Captain Vivian.

Lieutenant R. B. Lockwood, 1st Squadron Subaltern, to act as 2nd Squadron Officer, during the absence on furlough to Europe of Captain W. C. Anderson, or until further orders.

4th Cavalry.

Captain J. Gillespie, 2nd Squadron Officer, to act as 2nd in Command and Squadron Officer in room of Captain Hawkins, who is about to proceed on furlough to Europe.

5th Cavalry.

Captain G. C. Bird, Adjutant, to officiate as 2nd Squadron Officer, vice Captain Hammond, appointed to the 2nd Cavalry.

No. 182 of 1869.—In order to assimilate the remuneration given to Hospital Sergeants British Corps serving in India, with that which they receive in England, the Right Hon'ble the Governor General in Council is pleased to direct that Hospital Sergeants shall, for the future, receive free rations, and that those who have served 7 years shall receive Rs. 7-8 instead of, as present, Rs. 7 a month.

H. W. NORMAN, Colonel,
Secy. to the Govt. of India

Calcutta, the 11th February 1869.

NOTICE

Is hereby given that the amounts on account of the Estates of deceased European Commissioned Officers, as specified in the Statements published below, have been received by the undersigned, to whom all claims by creditors against the respective properties of the deceased are to be submitted within two calendar months from the date of this notice:—

STATEMENT of Deposits made at the Presidency Pay Office on account of Estate of a deceased European Commissioned Officer of Her Majesty's British Military Service during the Month of January 1869.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decese.	Testate or Intestate.	Amount of Monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	How disposed of.				Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payments in England.		
												In Co.'s Rupees.	Equivalent in Sterling.	
	Commissioned Officer.						Rs. A. P.		Rs. A. P.					
11th Jan. 1869	(a) Richard Butler Willington.	Major	H. M.'s 77th Foot	...	1st Sept. 1868	Intestate	1,175 12 0	...	1,175 12 0					
					TOTAL	...	1,175 12 0	...	1,175 12 0					

(a) Widow, Mrs. Mary Willington; children, two sons, names not known.

FORT WILLIAM;
PAY OFFICE,
The 31st January 1869.

C. F. M. MUNDY, Colonel,
Presidency Paymaster.

STATEMENT of Deposits made at the Presidency Pay Office on account of Estates of deceased European Commissioned Officers of Her Majesty's Indian Military Service during the Month of January 1869.

Date of Deposit.	On whose account.	Rank.	Corps.	General Number.	Date of Decease.	Testate or Intestate.	Amount of Monies accruing from the adjustment of Estates.	Amount of Donation Batta due to Estates.	Total unclaimed Amount deposited.	HOW DISPOSED OF.				Rate of Exchange.
										Amount paid in India.	Amount retained in India.	Amount remitted for payment in England.		
												In Co.'s Rupees.	Equivalent in Sterling.	
	<i>Commissioned Officers.</i>						Rs. A. P.		Rs. A. P.					
13th Jan. 1869	(a) James Henry White ...	Assistant Surgeon..	Bengal Medical Estab-lishment.	...	Oct. 1, 1868	Intestate	50 0 0	...	50 0 0					
22nd " "	(b) Robert Andrew Smith ...	Brevet Colonel ...	Bengal Infantry ...	...	Oct. 31, 1868	Ditto	1,404 1 6	...	1,404 1 6					
					TOTAL ...	...	1,454 1 6		1,454 1 6					

(a) Mother, Mrs. James White, Town View Omagh, County Tyrone, Ireland; Administrator General administering.

(b) Widow, Louisa Smith; daughter, Estelle J. Drummond Smith; not known where; Administrator General administering.

FORT WILLIAM;
PAY OFFICE,
The 31st January 1869.

}

C. F. M. MUNDY, Colonel,
Presidency Pay Master.

H. W. NORMAN, Colonel,
Secy. to the Govt. of India.

NOTIFICATION.

Calcutta, the 11th February 1869.

Under Clause 26 of the Regulations appended to the Regimental Debts Act of 1863, it is notified that reports of the deaths of the under-mentioned Commissioned and Warrant Officers on the dates specified were received in the Military Department during the month of January 1869:—

CORPS.	RANK AND NAMES.	DATE OF DECEASE.	PLACE OF DECEASE.	TESTATE OR INTESATE.	REMARKS.
Bengal Staff Corps ...	Captain T. C. Anderson ...	Jan. 14, 1869.	Fort William	Testate ...	Widow, Mrs J. C. Anderson, administering.
Late 4th European Light Cavalry.	Lieut. Colonel E. A. M. MacGregor.	" 17, "	Calcutta ...	Intestate..	Next of kin, Miss MacGregor Denseld House Perthshire.
Subordinate Medical Department.	Apothecary R. W. Harrison ...	" 17, "	Hissar.		

H. W. NORMAN, Colonel,
Secy. to the Govt. of India.

TELEGRAPH DEPARTMENT.

NOTIFICATIONS.

Calcutta, the 22nd December 1868.

From the 1st of February 1869, all messages received into a Telegraph Office for despatch, must be stamped to the full value for all demands.

2. Telegraph Stamps will be procurable at all Telegraph Stations in any quantities, and at Civil Treasuries in quantities of the value of not less than Rs. 5 of labels at one time, provided that the quantity sold shall not include less than one Rupee worth of any particular value of Stamps.

3. Telegrams can be sent from Out-stations by post, but they must be enclosed in registered covers. At Stations where Telegraph Stamps are not procurable, they may be paid for by Postage Stamps at the rate of 17 annas to the Rupee. In such cases, the Post Office registration receipt will take the place of the ordinary Telegraph receipt. If any telegram be received insufficiently stamped, it will be returned bearing to the sender.

4. Telegraph Stamps are double headed, the object being that the upper half shall be returned on the receipt (whereby the sender receives a guarantee that his message has not been suppressed for the sake of the money), and the lower half shall be affixed to the message voucher to Government that it has been pre-paid.

5. Proper forms on which to write telegrams are available at all Telegraph Stations gratis for messages written at the Office, or for sale at the following rates:—

	Rs.	A.	P.
Per 100 ...	1	2	0
" 50 ...	0	10	0
" 25 ...	0	6	0
" 12 ...	0	3	0

These forms will also shortly be obtainable at the same rates at all Treasuries.

6. The senders of telegrams must be careful to affix their Stamps on the spaces left blank for the purpose on the message forms, the upper half on the receipt, the lower half on the message, and to see that the Stamps are defaced with the Office Stamp which carries the name of the Office and date.

7. Telegraph Stamps cut in two, before being sent into a Telegraph Office, will not be accepted.

8. For rates of charge, see Notification on revised Tariff of the 20th September 1868.

9. Skeleton Maps of India showing the Telegraph Lines and Stations are procurable at most Telegraph Offices at eight annas each.

The Ceylon charge on a message of 20 words to or from India will in future be one rupee. Thus, a message of 10 words between any station in Ceylon and any station in India (except those east of Calcutta), will be two rupees, a message of 20 words will be three rupees, a message of 30 words will be five rupees, and so on.

A charge of one rupee in addition to the above will be made for a message of 20 words to or from any station east of Calcutta.

The above cancels paragraph 9 of the Telegraph Notification, dated Simla, the 20th September 1868, published in the *Gazette of India* of the 20th idem.

D. G. ROBINSON, Col., R.E.,
Dir. Genl. of Tels. in India.

COMPTROLLER GENERAL'S OFFICE.

Statement of Revenue and Expenditure of the Government of India from 1st April to 30th September 1868, compared with the corresponding quarters of the previous year.

REVENUE.	FROM 1ST APRIL TO 30TH SEPT. 1868.	FROM 1ST APRIL TO 30TH SEPT. 1867.	EXPENDITURE.	FROM 1ST APRIL TO 30TH SEPT. 1868.	FROM 1ST APRIL TO 30TH SEPT. 1867.
	£	£		£	£
I.—LAND REVENUE ...	7,818,848	8,031,661	1.—INTEREST ON FUNDED AND UNFUNDED DEBT ...	1,189,525	1,202,533
II.—TRIBUTES AND CONTRIBUTIONS FROM NATIVE STATES...	316,006	336,878	2.—INTEREST ON SPECIAL LOANS FOR PUBLIC WORKS ...	53,352	2,442
III.—FOREST REVENUE ...	138,026	91,042	3.—INTEREST ON SERVICE FUNDS AND OTHER ACCOUNTS ...	194,565	281,050
IV.—ABKAREE ...	1,116,792	1,101,593	4.—ALLOWANCES, REFUNDS, AND DRAWBACKS ...	208,856	164,494
V.—ASSESSED TAXES ...	310,036	495,755	5.—LAND REVENUE ...	1,009,477	977,644
VI.—CUSTOMS ...	1,346,830	1,202,221	6.—FOREST ...	99,408	88,388
VII.—SALT ...	2,533,895	2,555,984	7.—ABKAREE ...	118,163	116,247
VIII.—OPIUM ...	4,308,991	4,253,141	8.—ASSESSED TAXES ...	11,913	14,325
IX.—STAMPS ...	1,173,524	1,148,155	9.—CUSTOMS ...	86,690	101,418
X.—MINT ...	66,083	92,561	10.—SALT ...	170,699	166,505
XI.—POST OFFICE ...	247,365	177,955	11.—OPIUM ...	1,378,146	1,554,587
XII.—TELEGRAPH ...	90,476	61,241	12.—STAMPS ...	47,088	52,736
XIII.—LAW AND JUSTICE ...	339,434	328,502	13.—MINT ...	43,766	61,863
XIV.—POLICE ...	127,051	117,066	14.—POST OFFICE ...	223,440	163,535
XV.—MARINE ...	345,637	76,890	15.—TELEGRAPH ...	148,921	148,304
XVI.—EDUCATION ...	34,189	33,558	16.—ALLOWANCES TO DISTRICT AND VILLAGE OFFICERS ...	138,413	128,205
XVII.—INTEREST ...	80,757	55,117	17.—ADMINISTRATION AND PUBLIC DEPARTMENTS ...	528,782	525,405
XVIII.—MISCELLANEOUS ...	164,680	101,831	18.—LAW AND JUSTICE ...	1,324,143	1,197,529
ARMY ...	420,876	324,317	19.—POLICE ...	1,155,700	1,175,936
PUBLIC WORKS ...	229,174	169,924	20.—MARINE ...	368,131	402,188
			21.—EDUCATION, SCIENCE, AND ART ...	393,971	328,320
			22.—ECCLESIASTICAL ...	75,318	74,833
			23.—MEDICAL SERVICES ...	175,648	152,176
			24.—STATIONERY AND PRINTING ...	98,512	131,065
			25.—POLITICAL AGENCIES AND OTHER FOREIGN SERVICES ...	113,763	104,754
			26.—ALLOWANCES AND ASSIGNMENTS UNDER TREATIES AND ENGAGEMENTS ...	657,560	690,836
			27.—MISCELLANEOUS SERVICES ...	249,998	155,548
			28.—SUPERANNUATION, RETIRED, AND COMPASSIONATE ALLOWANCES ...	310,880	269,867
			ARMY ...	5,971,754	6,253,900
			PUBLIC WORKS, ORDINARY ...	2,923,396	2,710,774
				19,469,078	19,397,407
			PUBLIC WORKS, EXTRAORDINARY ...	246,295	...
				19,715,373	19,397,407
TOTAL REVENUE ...	21,208,670	20,755,392	TOTAL EXPENDITURE ...	19,715,373	19,397,407

Published with reference to Resolution of the Government of India, Financial Department, dated 25th October 1865. See *Gazette of India* of the 4th November 1865.

OFFICE OF COMPTROLLER GENERAL OF ACCOUNTS.
CENTRAL ACCOUNTS BRANCH.

EDWARD GAY,
Offg. Deputy Comptroller General of Accounts.

E. F. HARRISON,
Comptroller General of Accounts.

ORDERS BY THE VICE-CHANCELLOR AND SYNDICATE OF THE CALCUTTA UNIVERSITY.

THE undermentioned Students have passed the Examination for the Degree of Bachelor in Law:—

FIRST DIVISION.

In order of Merit.

1	Sivchandra Bandyopādhyāy	...	Patna College.
2	Asutosh Mukhopādhyāy	...	Presidency College.
3	Bankimchandra Chattopādhyāy	...	Ditto.
4	Bipinvihari Datta	...	Ditto.
5	Nilmani Mukhopādhyāy	...	Ditto.
6	Gopalchandra Mukhopādhyāy	...	Ditto.

SECOND DIVISION.

In order of Merit.

1	Ramcharan Mitra	...	Presidency College.
2	Kisarilal Sarkar	...	Ditto.
3	Saratchandra Bandyopādhyāy	...	Ditto.
4	Ameer Ali	...	Hooghly College.
5	Jogendranāth Basu	...	Presidency College.
6	Pramadācharan Bandyopādhyāy	...	Ditto.
7	Lakshinārāyan Dās	...	Ditto.
8	Sivchandra Gui	...	Ditto.
9	Kisarimohan Chattopādhyāy	...	Ditto.
10	Srināth Pāl	...	Hooghly College.
11	Sitānāth Mukhopādhyāy	...	Presidency College.
12	Uneschandra Ghosh	...	Kishnaghur College.
13	Sashibhushan Bandyopādhyāy	...	Presidency College.
14	Pratāpchandra Majumdār	...	Ditto.
15	Pitāmvar Chattopādhyāy	...	Hooghly College.
16	Krishnādās De	...	Presidency College.
17	Nrisinhachandra Mukhopādhyāy	...	Ditto.
18	Rajchandra Rāy	...	Ditto.
19	Ramlāl Bandyopādhyāy	...	Ditto.
20	Krishnachaitanya Bhumik	...	Ditto.
21	Harischandra Bāgchi	...	Dacca College.
22	Benimādhav Datta	...	Presidency College.
23	Jogendranath Chaudhuri	...	Ditto.
24	Harimohan Chakravarti	...	Ditto.
25	Hemchandra Nandan	...	Ditto.
26	Jadunāth Mitra	...	Ditto.
27	Baradāgovinda Sen	...	Ditto.
28	Avināschandra Mitra	...	Ditto.
29	Obeid-al-Ruhman	...	Berhampore College.
30	Kisarimohan Rāy	...	Presidency College.
31	Jadunāth Bhattāchārya	...	Kishnaghur College.
32	Kāsikānta Sen	...	Presidency College.
33	Bihārīlāl Mallik	...	Hooghly College.
34	Matīlāl Rāychaudhuri	...	Presidency College.
35	Malimāchandra Ghosh	...	Ditto.
36	Rameschandra Lāhuri	...	Ditto.
37	Kamalākanta Sen, No. 2	...	Ditto.
38	Bipradās Mukhopādhyāy	...	Kishnaghur College.
39	Kārtikchandra Pāl	...	Hooghly College.
40	Brajavihari Som	...	Presidency College.
41	Binadvihari Chaudhuri	...	Presidency College.
42	Isāchandra Chakravarti	...	Ditto.
43	Banerjea, P. N.	...	Ditto.
44	Durganāth Bāgchi	...	Berhampore College.
45	Mahendranāth Bandyopādhyāy	...	Presidency College.
46	Jogendranāth Basu, No. 1.	...	Ditto.
47	Syamkisar Basu	...	Ditto.
48	Becharam Mukhopādhyāy	...	Ditto.
49	Kapālīprasanna Mukhopādhyāy	...	Ditto.
50	Tārāpada Bandyopādhyāy	...	Kishnaghur College.
51	Karunāmav Bandyopādhyāy	...	Presidency College.
52	Rangopal Datta	...	Berhampore College.

The undermentioned Students have passed the Examination for a License in Law :—

In Alphabetical order.

Adya, Asutosh	...	Hooghly College.
Bandyopādhyāy, Sasibhushan	...	Presidency College.
Bari, Fuzlal	...	Ditto.
Basu, Trigunaprasanna	...	Ditto.
Chakravarti, Maheschandra	...	Dacca College.
Chand, Parvatikumār	...	Ditto.
Ghosh, Chandrakānta	...	Ditto.
„ Girischandra	...	Presidency College.
Guha, Kālisankar	...	Ditto.
Kundu, Hemchandra	...	Ditto.
Mallik, Priyanāth	...	Ditto.
Niogi, Nilkamal	...	Dacca College.
Rakhshit, Govindachandra	...	Presidency College.
Sen, Dinavandhu	...	Dacca College.
„ Kamalākanta	...	Presidency College.
Sil, Gopāllāl	...	Ditto.

J. SUTCLIFFE, M. A.,
Registrar.

CALCUTTA UNIVERSITY,
The 8th February 1869.

POST OFFICE.

NOTIFICATIONS.

Calcutta, the 22nd January 1869.

Arrangements having been made, with effect from the 1st March next, for the prepayment to destination of newspapers and packets of books and patterns forwarded from India by British Packet through the British Post Office Alexandria to Italy, the following revised schedule of rates chargeable in India on covers of the description mentioned will come into operation from the 1st March 1869, viz. :—

	Each Newspaper—prepayment compulsory.	Each packet of Newspapers, Books, or Patterns—prepayment compulsory. P. denotes that Patterns may be sent.		
	Not exceeding in weight 4 ozs.	Not exceeding in weight 4 ozs.	Every additional 4 ozs.	Patterns.
ITALY— By British Packet— Through British Post Office Alexandria	Rs. A. P.	Rs. A. P.	Rs. A. P.	
	0 2 0	0 3 4	0 3 4	P.

2. Newspapers and packets received by the above-mentioned route from Italy, which may have been posted in Italy on or after the 1st March, will be prepaid to destination in India, and will not be chargeable in India with any additional postage.

A. M. MONTEATH,

Dir. Genl. of the Post Office of India.

The 4th February 1869.

No. 282.

Mails for the following places for transmission per Peninsular and Oriental Company's Steamer

Mooltan will be closed in this Office on Monday, the 15th instant, at 6 P. M. :—

Madras, Ceylon, Penang, Singapore, Malacca, Hong-Kong, China, Japan, and Australia.

N. B.—No letters, newspapers, books or pattern packets are sent to Aden, Suez, or Europe, or places *via* Europe, by Peninsular and Oriental Company's steamers from Calcutta, the route to such places being *via* Bombay.

The 11th February 1869.

No. 284.

The next Overland Mail *via* Bombay will close on Tuesday, the 16th February 1869.

2. Book post and pattern packets must be posted on the 15th.

3. There will be no Express.

N. B.—The Letter Box will close at 6 P. M. precisely, after which hour Overland letters fully pre-paid and bearing extra postage stamp of two annas on each cover will be received up to 6-30 P. M., or bearing an extra postage stamp of four annas on each cover up to 7 P. M.; and after 7 up to 8-30 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghaut.

The 12th February 1869.

No. 285.

Mails for Chittagong and Akyab for transmission per Steamer *Moulmein* will be closed at this Office on Thursday, the 18th instant, at 6 P. M.

No. 286.

Mails for Rangoon and Moulmein, for transmission per Steamer *Rangoon*, will be closed at this Office on Thursday, the 18th instant, at 6 P. M.

Letters, &c., for Port Blair can be sent *via* Moulmein by this opportunity.

W. H. MCGOWAN,
Post Master of Calcutta.

LIST of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during the week ending 6th February 1869.

ANDERSON, Mrs. T. C. Angur Chunder Chatterjee. Anundo Pershad Chowdery. Alexander, Mrs. Passinger. Abercrombie, A. Atherley, Mrs. Achard, T. Adam, J. Abrey, R.	Fraser, Douglas. Frahur, C. J. Fernandez, A. Ferris, Mrs. GOBIND Chunder Doss. Graham, Lieut. D. A. G. C. Grant, Dr. Gomes, M. Grey, E. J. (C. E.) Graham, J. Gopaul Chunder Banerjee.	MCANDREW, Mrs. Mohomed Padomsee. McNeil, Mrs. S. Matthews, T. S. McNeil, G. M. A. H. Massey, Hon'ble W. N. Madge, H. G. McMullen, H. Manuel, D. Mills, Miss G. H. Martin, G. D., and Co. Mahomed Akar Sib. Mohendro Nauth Ghose.	SAVEDRA, Miss O. F. Saygo, H. Spaulding, Mrs. M. Singer, E. A. Secretary, Lodge Marine. Swan, W. T. Smith, R. Shercore, A. Sreenath Banerjee. Saroda Prosand Ganguly. Seret, Miss V. Smith, Mrs. Sheetanath Mookerjee. Secretary to the Examination Committee for Pleaders. Soares, G. de M. Strover, E. Speirs, W. Sandwith, Dr. G. Smith, T. N. Stacy, G. W. Scott, G. J.
BROWN, Lord U. Bence, W. D. Bereb, Mrs. C. Bowling, H. Bhubun Mohun Bose. Behary Lall Seal. Barnard, Mrs. E. Barlow, D. Boswell, J. A. C. Blossom, J. Boothby, W. Bysack, T. W., and Co. Bason, H. T. D. Baytist, M. W. Bell, W. (Insp. of Police.) Byrne, L. Barrett, C.	HUTTON, Revd. H. Ham, R. J. Haldone, Mrs. Hamilton, S. Hough, Mrs. H. Haulon, Mrs. E. Hattemally, S. Humphries. Hogarth, B. Handley, C. T. Hera Lall Biswas. Hoff, J. R. Hurro Lall Roy. Hughes. Hail, R.	NICHOLAS, T. Nil Madhub Mitter. Nobo Coomar Ghose. Norton, Miss T. Nobo Coomar Banerjee. Nicolson, Mrs. T. OURAN, T. E. Omega. Ogilvie, C. Ogilvie, A. S. PARKERSON, Miss. Peacock, M. W. Park, G. S. Pringle, Mrs. J. R. Poynton, J. Pearson, Mrs. W. Prosonno Chunder Roy. Palmer, T. P. (late 1-19th Foot.) Partridge, J. Pearce, S. Primrose, D. O. C. Petters, G. Parker, J. Percy, Douglas, and Co. Parker, B.	TERRANEAU, Mrs. Thompson, A. R. Thomas, Miss E. Thomas, G. P. Tonkin, T. Thomas, T. B. Tarra Chunder Doss. Thornton, J. N. (44th Regt.) VANBENON, H. WOODS, A. W. Watson, Miss J. Wroughton, Captain H. A. Wilson, J. A. Wilker, T. Williams, D. Wit, A. M. W ker. W ie, A. C. Wade. Wroughton, H. A. C. Warden, A. S. Welbraham, Revd. C. Wroughton, Mrs. Wallace, A. J. Whiffer, C. A. Walker, G. W. Wroughton, H. A. C.
CAMPBELL, Capt. R. T. Cookburne, H. Clements, C. Cock, J. P. Conte, G. DUNNE, A. D. D'Souza, Mrs. E. A. Day, Dr. F. D'Rozario. Daniel, S., and Co. Daveren, A. Dalzel, J. M. D'Silva, R. T. Donaldson, T. C. Debnarain Bose. D'Cruz, Mrs. J.	JACOB, R. Juggut Jung Bahadoor. Joseph, Alfred. Jacob, C. Jodoo Nauth Chatterjee. KEITH, A. Kazee Alemydeen. Koylas Chunder Deb. Kaly Doss Bose. Khetter Mohun Bhuttacharjee. Kerswell, W. P. Knight, Captain. Kally Churn Goopto. Kassee Chunder Dutt.	ROSS, Miss. Rosenthal, Dr. Rundle, H. P. Rowland. Rymer, W. Roath, J. F. Rodway, Revd. J. D. Reynold, B. Raj Kristo Mitter. Radhanauth Chowdry. Rash Behary Dutt. Row, Morison.	
EWART, Capt. Ezekeel, E. S. Eaton, Mrs. M. A. Eilber, W. Ellias, J. B. Etmall, E. B. Evans, Revd. B. W. FALLE, P. J.	LEWIS, Mrs. A. Leethbridge, Mrs. Luff, J. M. Larger, B. Lloyd, H. J. Lavy, Captain A. M. Lall Mohun Mullick. Leigh, R. Lall Chunder Mitter. Leopold, C. T.		

J. W. BOTELLHO,
for Post Master of Calcutta.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
Feb. 1st, 1869	1,45,127	4,37,275	7,61,747	6,27,255	75,61,717
" 2nd, "	8,53,869	4,20,199	11,44,622	6,42,717	79,61,717
" 3rd, "	3,68,816	1,40,885	13,81,591	2,98,926	80,61,717
" 4th, "	8,95,777	997	21,30,976	1,21,146	82,61,717
" 5th, "	2,40,827	578	23,00,762	42,405	83,61,717
" 6th, "	8,36,211	.....	31,58,584	53,308	83,61,717

CALCUTTA MINT,
6th February 1869.

H. HYDE, Lieut. Colonel,
Mint Master.

CURRENCY NOTES.

*Extract from Financial Department Notification,
No. 1004 A, dated Simla, 30th July 1866.*

Para. 9.—“The person making the statement respecting a lost or destroyed Note, or portion of Note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the Note is payable, and *once* in the *Gazette of India*.”

Lost.

In transit between Burabankie and Allahabad half of the following Currency Notes—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{44}$ 62382 for Rs. 20.

„ $\frac{A}{44}$ 62389 „ 20.

„ $\frac{A}{31}$ 57761 „ 10.

SYUD ABDOOLLAH.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{33}$ 05436 for Rs. 10.

RAMESWUR SEN.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{15}$ 31974 for Rs. 10.

SRAIKH CHAND SIRCAR.

The following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{37}$ 09328 for Rs. 1,000.

JUMNA DOSS.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{32}$ 09700 for Rs. 10.

D. W. TAYLOR.

The following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{35}$ 50706 for Rs. 100.

BANEE MADHUB CHATTERJEE.

Half of the following Currency Notes—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{42}$ 66064 for Rs. 20.

„ $\frac{A}{44}$ 66870 „ 20.

„ $\frac{A}{42}$ 66576 „ 20.

MAHOMED ALI KHAN.

The following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{40}$ 31219 for Rs. 50.

S. OPPENHEIM.

Half of the following Currency Notes:—

No. $\frac{A}{53}$ 73695 for Rs. 20.

„ $\frac{A}{46}$ 85652 „ 10.

„ $\frac{A}{43}$ 90588 „ 10.

SMITH STANISTREET & Co.

Second half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{40}$ 51557 for Rs. 50.

G. MAGUIRE.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{41}$ 92793 for Rs. 10.

W. H. DARLING.

Second half of the following Currency Notes:—

No. $\frac{A}{34}$ 51110 for Rs. 10.

„ $\frac{A}{40}$ 74516 „ 10.

„ $\frac{A}{45}$ 23514 „ 20.

FRAMJEE RUSTOMJEE.

First half of the following Currency Notes:—

No. $\frac{A}{35}$ 56712 for Rs. 20.

„ $\frac{A}{33}$ 26931 „ 20.

„ $\frac{A}{38}$ 61538 „ 20.

H. MARSHAM.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. $\frac{A}{1}$ 00333 for Rs. 1,000.

P. BARROW.

Second half of the following Currency Note—intimation of loss given to the Currency Office, Calcutta:—

No. $\frac{A}{15}$ 78183 for Rs. 10.

BISSONATH CHATTERJEE.

Second half of the following Currency Note:—

No. $\frac{A}{5}$ 53830 for Rs. 20.

RAMLALL CHUCKERBUTTY.

In transit by Post, left half of the following Currency Notes—intimation of loss given to the Currency Office, Lahore:—

No. $\frac{A}{38}$ 48351 for Rs. 20.

„ $\frac{A}{38}$ 48340 „ 20.

„ $\frac{A}{15}$ 55739 „ 10.

J. L. NASH & Co.

Lost or Stolen.

Left half of the following Currency Note:—

No. $\frac{A}{33}$ 72714 for Rs. 20.

R. A. PUSHONY.

The following Currency Note of the Allahabad Circle—intimation of loss given to the Currency Office, Allahabad:—

No. 12878 for Rs. 100.

F. S. GROWSE.

Left half of the following Currency Note:—

No. A08447 for Rs. 100.

SEETUL CHUNDER COONDOO.

Mutilated.

Half of the following Currency Note:—

No. A03902 for Rs. 10.

HORO MOHUN BHUTTACHARJEE.

Destroyed.

Half of the following Currency Note of the Calcutta Circle:—

No. E00174 for Rs. 100.

MARGARETTA E. PRINSEP.

Half of the following Currency Note:—

No. A15442 for Rs. 20.

SIB CHUNDER DUTT.

Wrongly Joined.

Received in the course of business the following Currency Note, of which the two halves bear different numbers—intimation given to the Currency Office, Calcutta:—

No. A71952 } one Note for Rs. 10.
" A32711 }

R. PITCHER.

PROMISSORY NOTES.

Lost.

In transit to Penang, per Steamer *Reiver*, upper halves of two Government 4 per cent. Loan Notes Nos. 23547 of 1854-55 and No. 7136 of 1842-43, for Rs. 10,000 each, standing in the name of Thomas Church, deceased. For the Oriental Bank Corporation.

J. D. DAWSON.

The upper half of the Government Promissory Note No. 12278, dated 30th June 1854, at 4 per cent., and the lower half of Government Promissory Note No. 72526, dated 28th February 1857, at 5 per cent., the former for Rs. (1,000) one thousand only, the latter for Rs. (500) five hundred only, when travelling by Rail from Calcutta to Jumalapore on the 4th and 5th January 1869.

MUDOO SOODUN BANERJEE,

Gomashia to H. M.'s 3rd Battalion, R. B.

DINAPORE,

The 1st February 1869. }

Stolen.

The public are cautioned against purchasing or receiving in pledge or in any way negotiating the Government Promissory Note No. 13049 of 31st March 1836 for Rs. 1,000 at 4 per cent. Loan, the same having been stolen from Radhasham Coondoo's house at Calcutta on the 7th April 1865, to whom I pledged the Note, and who advertised the loss in the *Calcutta Gazette* on the 12th, 19th, and 26th April 1865, and it is again published for general information in the *Gazette of India* under the direction of the Secretary and Treasurer, Bank of Bengal.

KAMINEY DABEE.

KIDDERPORE,

The 8th February 1869. }

ADVERTISEMENTS.

Notice.

"The interest and responsibility of Mr. Henry Crooke ceased in our Firm on the 31st August last.

We have admitted Mr. Frederick James Crooke as a partner.

The business will henceforward be carried on by James Rome and Frederick James Crooke."

CROOKE, ROME & Co.

The 30th January 1869.

Notice

TO THE SHAREHOLDERS OF WATTS & Co., "LD."

In Liquidation.

An Extraordinary General Meeting of the Shareholders of the above Company will be held on the premises, 1, Wellesley Place, at 4 P. M., on the 15th day of February next, for the purpose of confirming the Resolution passed at the Special Meeting held on the 27th January 1869.

R. ALLARDICE,

Liquidator.

Notice.

Letters of Administration, with the Will annexed of David Begg, late of Canon's Park, Stanmore, in the County of Middlesex, England, having been granted by the High Court of Judicature in Calcutta to the undersigned on the fourteenth day of September one thousand eight hundred and sixty-eight, all persons having claims against the said deceased are requested to make the same known, and all persons indebted to the deceased's Estate are requested to pay the amounts of their respective debts to the undersigned on or before the first day of May next.

H. H. SUTHERLAND,

Administrator.

12, MISSION ROW; }
CALCUTTA,
The 6th February 1869. }

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Lost or Stolen from a Bullock Cart, between Campoolee and Khundalla, the following Government 4 per cent. Loan Notes of 1854-55, registered in the name of Bullakeedass Khimchund:—

No. 36507 for ... Rs. 2,000.
" 39958 " ... " 1,000.
" 6392 and 26308 for ... " 1,000.

Also 2 Government Bank Notes of Rs. 1,000 each.

1 " " " 10.
1 Box of Saffron.
6 Rupees in Cash.
1 Coat (Duglee).

The above were wrapped in a Khes of gold embroidery. Any person or persons bringing these things or giving any information regarding them to Dhuraidher Purshotumdass at his shop, near Khara Coova, without the Fort walls of Bombay, will receive the above reward.

BULLAKEEDASS KHEMCHUND,

Hindoo Merchant residing in Bombay,

near Khara Coova.

BOMBAY.

The 29th February 1864. }

Administrator General's Office.

List of Estates which have come under charge of the Officiating Administrator General of Bengal, during the month of December 1868, and January 1869:—

Addy, John Albert, late a Guard in the Service of the East Indian Railway Company.

Alexander, William Stuart, late a Lieutenant in the Royal Artillery.

Burn, Daniel, late sole proprietor of the late firm of Messrs. Wallis and Co., Tailors, Calcutta.

Byrne, John, late of Barrackpore, a local Lieutenant, and Editor of the *Exalted Star of India*.

Cookson, Henry, late a Preventive Officer in the Custom House, Calcutta.

Hudson, Hugh, late Ticket Collector in the East Indian Railway at Toondah, near Agra.

Kavanagh, John J., late an Accountant in the Department of Public Works, Punjab.

McCallum, Bernard, late a British subject residing at Poona, in the Bombay Presidency.

McEvan, Alexander, late in the service of the Murree Brewery Company, Limited, Murree.

Mole, William, late employed in the Carriage Department of the East Indian Railway.

Newham, Frank, late Station Master in the service of the East Indian Railway Company at Sahibgunge, in the District of Rajmehal.

Ponsonby, Arthur Edward Valette, late a Lieutenant Colonel in H. M.'s 2nd Battalion, 12th Regiment of Foot.

Priestley, Arthur Gore, late a Major in the Bengal Staff Corps.

Walsh, Henry, late a Sub-Assistant Surgeon, attached to the Revenue Survey, 5th Division.

White, James Henry, late an Assistant Surgeon in the Bengal Medical Establishment.

N. B.—All persons having claims upon, being indebted to, or holding property belonging to the above-mentioned Estates, are requested to place themselves in immediate communication with the undersigned.

C. J. WILKINSON,

4, STRAND, } Offg. Administrator General.
The 5th February 1869.

The Central Assam Tea Company, "Limited," in Liquidation.

An Extraordinary General Meeting of the Shareholders of the Central Assam Tea Company, "Limited," will be held at the Office of the Liquidator, No. 4, Mission Row, on Saturday, the 13th March 1869, for the purpose of receiving his Report and passing the Accounts.

E. SHEARIN,
Liquidator.

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CALCUTTA:

OFFICE OF SUPDT. GOVERNMENT PRINTING,
 8, HASTINGS STREET.
 1869.

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RULES

FOR THE

ADMISSION OF MILITARY OFFICERS
 TO THE
CIVIL AND POLITICAL DEPARTMENTS
 OF THE
GOVERNMENT OF INDIA.

CALCUTTA:

OFFICE OF SUPDT. GOVERNMENT PRINTING
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 1869.



The Gazette of India.

Published by Authority.

CALCUTTA, SATURDAY, FEBRUARY 20, 1869.

HOME DEPARTMENT.

LEGISLATIVE.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 5th February 1869, and was referred to a Select Committee with instructions to make their report thereon in a month:—

No. 2 OF 1869.

THE BOMBAY COURTS' BILL.

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A Bill to consolidate and amend the law relating to the District and Subordinate Civil Courts in the Presidency of Bombay.

Whereas it is expedient to consolidate and amend the law relating to the District and other subordinate Civil Courts in the Presidency of Bombay; It is hereby enacted as follows:—

I.—Preliminary.

1. This Act may be called, "The Bombay Civil Courts' Act, 1869," and extends only to the territories under the Government of the Governor of Bombay in Council in which the Code of Civil Procedure is for the time being in force.

2. The Regulations and Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of the same schedule: provided that the constitution of the Districts and the position of the Sadr stations at present established in the Presidency of Bombay for the purposes of civil judicature shall not be affected by such repeal.

II.—District and Sadr Stations.

3. The Governor of Bombay in Council may from time to time by notification in the official Gazette alter the limits of existing Districts and create new Districts for the purposes of this Act.

4. The Governor of Bombay in Council may also from time to time by notification in the official Gazette alter the position of the Sadr station in any District, and fix the position of the Sadr station in any new District.

III.—District Courts.

5. There shall be in each District a District Court presided over by a Judge to be called the District Judge. He shall be appointed by the Governor of Bombay in Council by whose authority only he shall be liable to be suspended or removed from his appointment.

The present District Judges shall be the first District Judges under this Act.

6. The District Judge shall ordinarily hold the District Court at the Sadr station in his District, but may, with the previous sanction of the High Court, hold it elsewhere within the District.

7. The District Court shall be the principal Court of original civil jurisdiction in the District, within the meaning of the Code of Civil Procedure.

8. The District Court shall be the Court of Appeal from all decrees and orders passed by the Subordinate Courts from which an appeal lies under any law for the time being in force.

9. The District Judge shall have general control over all the Civil Courts and their establishments within the District, and it shall be his duty to inspect, or to cause one of his Assistants to inspect, the proceedings of all the Courts subordinate to him, and to give such directions with respect to matters not provided for by law as he may think necessary. He shall refer to the High Court all such matters as appear to him to require that a rule of that Court should be made thereon.

10. The District Judge shall obey all writs, orders, or processes issued to him by the High Court, and shall make such returns or reports thereto under his signature and the seal of the Court as the exigencies of the case require. He shall further furnish such reports and returns and copies of proceedings as may be called for by the High Court or the Governor of Bombay in Council.

11. The District Judge shall use a circular seal two inches in diameter, which shall bear thereon the Royal Arms with the following inscription in English and the principal language of the District—"District Court of

IV.—Joint Judges.

12. Whenever the state of civil judicial business renders it expedient, the Governor of Bombay in Council, subject to the general control of the Governor General of India in Council, may appoint in any District a Joint Judge who shall be invested with co-extensive powers and a concurrent jurisdiction with the District Judge, except that he shall not keep a file of civil suits and shall transact such civil business only as he may receive from the District Judge, or as may have been referred to the Joint Judge by order of the High Court.

13. All Regulations and Acts now or hereafter in force and applying to District Judge shall be deemed to apply also to the Joint Judge; and the seal of the Joint Judge shall be the same as is used by the District Judge.

V.—Assistant Judges.

14. The Governor of Bombay in Council, under the general control of the Governor General of India in Council, may appoint one or more Assistants to the District Judge and may suspend or remove from his appointment any Assistant so appointed.

The present Assistant Judges shall be the first Assistant Judges under this Act.

15. An Assistant Judge shall ordinarily hold his Court at the same place as the District Judge, but he may hold his Court elsewhere within the District, whenever the District Judge shall, with the previous sanction of the High Court, direct him so to do.

16. An Assistant Judge shall have jurisdiction to try such original suits of which the subject-matter does not exceed ten thousand rupees in amount or value, and to dispose of such miscellaneous applications not being of the nature of appeals, as may be referred to him by the District Judge; and where his decrees and orders in such cases are appealable, the appeal shall lie to the District Judge.

The Assistant District Judge shall, when directed by the District Judge so to do, also take evidence on applications for certificates under Bombay Regulation VIII of 1827 (*to provide for the formal recognition of heirs, executors and administrators and for the appointment of administrators and managers of property by the Courts*), Act XXVII of 1860 (*for facilitating the collection of debts on successions and for the security of parties paying debts to the representatives of deceased persons*), and Act XX of 1864 (*for making better provision for the care of the persons and property of minors in the Presidency of Bombay*), and shall forward it with his opinion thereon for the final orders of the District Judge.

17. The Governor of Bombay in Council may, by notification in the official Gazette, empower any Assistant Judge to try such appeals from the decrees and orders of the Subordinate Courts as may be referred to him by the District Judge, provided that the amount or value of the subject-matter does not exceed ten thousand rupees.

Decrees and orders passed under this section by an Assistant Judge shall have the same force and shall be subject to the same rules as regards procedure and appeals as decrees and orders passed by the District Judge.

18. A person filling the office of Assistant Judge, on whom the power of hearing appeals has once been conferred under section fifteen, shall continue to have this power so long and so often as he may fill the office of Assistant Judge, without reference to the District in which he may be employed, provided that the Governor of Bombay in Council may at any time withdraw such power.

19. The Governor of Bombay in Council may, by notification in the official Gazette, invest an Assistant Judge with all or any of the powers of a District Judge within a particular part of a District, the limits of which part may be determined and altered from time to time by such notification.

The jurisdiction of an Assistant Judge so invested shall *pro tanto* exclude the jurisdiction of the District Judge from within the said limits.

Every Assistant Judge so invested shall ordinarily hold his Court at such place within the local limits of his jurisdiction as may be determined by the Governor of Bombay in Council, and may, with the previous sanction of the High Court, hold it at any other place within such limits.

20. Every Assistant Judge shall use the seal of the District Judge to whom he is assistant.

VI.—Subordinate Judges.

21. There shall be in each District so many Civil Courts subordinate to the District Court as the Governor of Bombay in Council, acting under the general control of the Governor General of India in Council, shall from time to time direct.

22. The Judges of such subordinate Courts shall be appointed by the Governor of Bombay in Council, and shall be called Subordinate Judges.

No person shall be appointed a Subordinate Judge unless he be a British subject who has practised five years as an Advocate of a High Court in India or as a Vakil in the High Court of Judicature in Bombay, or who has qualified for the duties of a Subordinate Judge according to such tests as may for the time being be prescribed by such High Court, or who has taken the degree of Bachelor of Laws in the University of Bombay.

23. The Subordinate Judges shall hold their Courts at such place or places as the Governor of Bombay in Council may from time to time appoint within the local limits of their respective jurisdictions. Wherever more than one such place is appointed, the District Judge shall, subject to the control of the High Court, fix the days on which the Subordinate Judge shall hold his Court at each of such places, and the Subordinate Judge shall cause such days to be duly notified throughout the local limits of his jurisdiction.

The same person may be the Judge of more than one Subordinate Court; and the Judge of any Subordinate Court may, with the previous sanction of the High Court, be deputed by the District Judge to the Court of another Subordinate Judge for the purpose of assisting him in the disposal of the suits on his file.

24. The Subordinate Judges shall be of two classes.

The jurisdiction of a Subordinate Judge of the first class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value ten thousand rupees.

The jurisdiction of a Subordinate Judge of the second class extends to all original suits and proceedings of a civil nature wherein the subject-matter does not exceed in amount or value five thousand rupees.

25. A Subordinate Judge of the first class, in addition to his ordinary jurisdiction, shall exercise a special jurisdiction in respect of such suits and proceedings of a civil nature wherein the subject-matter exceeds five thousand rupees, and does not exceed ten thousand rupees, in amount or value as may arise within the local

jurisdictions of the Courts in the District presided over by Subordinate Judges of the second class.

In Districts to which more than one Subordinate Judge of the first class have been appointed, the District Judge, under the control of the High Court, shall assign to each the local limits within which his special jurisdiction is to be exercised.

26. The Governor of Bombay in Council may invest any Subordinate Judge of the first class with power to hear appeals from such decrees and orders of Subordinate Courts as may be referred to him by the Judge of the District, provided the subject-matter does not exceed in amount or value two hundred rupees.

Decrees and orders so passed in appeal by a Subordinate Judge of the first class shall have the same force as if passed by a District Judge.

27. The Governor of Bombay in Council may invest, within such local limits as he shall from time to time appoint, any Subordinate Judge of the first class with the jurisdiction of a Judge of a Court of Small Causes, for the trial of suits cognizable by such Courts up to the amount of five hundred rupees, and any Subordinate Judge of the second class with the same jurisdiction up to the amount of fifty rupees.

The Governor of Bombay in Council may, whenever he thinks fit, withdraw such jurisdiction from any Subordinate Judge so invested.

28. Each Subordinate Judge shall use a seal one inch and a half in diameter, bearing the Royal Crown with the following inscription in English and the principal language of the District—"Subordinate Judge of . . ."

29. The present Principal Sadr Amíns shall be the first Subordinate Judges of the first class and (subject to any alteration of the limits of their local jurisdiction which may be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the first class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Principal Sadr Amíns.

The present Sadr Amíns and Munsifs shall be the first Subordinate Judges of the second class and (subject to any alteration of the limits of their local jurisdiction which may be made by the Governor of Bombay in Council) shall severally exercise the jurisdiction of Subordinate Judges of the second class under this Act, within the local limits within which, immediately before the passing of this Act, they respectively exercised the jurisdiction of Munsifs.

30. Every Court of a Subordinate Judge under this Act shall have the same jurisdiction over all proceedings pending in the Court for which it shall have been substituted as the Principal Sadr Amín, Sadr Amín, of

Munsif (as the case may be) of such Court would have had if this Act had not been passed.

Removal or Suspension.

31. Whenever the High Court is of opinion that there are good grounds for making a formal and public inquiry into the truth of any imputation of misconduct by any Subordinate Judge, the High Court may appoint a Commissioner or Commissioners for the purpose of holding such an enquiry, and on the receipt of his or their report may order that the Subordinate Judge be removed or suspended from office, or reduced to a lower class.

The provisions of Act No. XXXVII of 1850 (*for regulating enquiries into the behaviour of public servants*) shall apply to enquiries under this section, the powers conferred by that Act on the Government being exercised by the High Court.

32. The High Court may suspend any Subordinate Judge from office pending the result of an enquiry into his behaviour under this section.

Any District Judge may, whenever he sees urgent necessity for so doing, suspend from office any Subordinate Judge under his control. But whenever the District Judge suspends any such Subordinate Judge, he shall forthwith report the case for the orders of the High Court.

Nothing in this section or in section thirty-one shall be held to interfere with the right of Government to suspend, or remove from office, any Subordinate Judge at their discretion.

VII.—Temporary vacancies.

33. In the event of the death of the District Judge or of his being prevented from performing his duties by illness or other casualty, or of his absence from his District on leave, the first in rank of the Assistant Judges in the District, or in the absence of an Assistant Judge the first in rank of the Subordinate Judges, shall assume charge of the District Court without interruption to his ordinary jurisdiction, and while so in charge shall perform the duties of a District Judge with respect to the filing of suits and appeals, receiving pleadings, execution of processes, return of writs and the like, and shall be designated Assistant Judge or Subordinate Judge, as the case may be, in charge of the District, and shall continue in such charge until the office of District Judge may be resumed or assumed by an officer duly appointed thereto.

34. Any District Judge leaving the Sadr station and proceeding on duty to any place within his District, may delegate to an Assistant Judge, or in the absence of an Assistant Judge to a Subordinate Judge at the Sadr station, the power of performing such of the duties enumerated in section thirty-three as may be emergent, and such officer shall be designated Assistant Subordinate Judge, as the case may be, in charge of the Sadr station.

35. In the event of the death, suspension or temporary absence of any Subordinate Judge, the District Judge may empower the Judge of any Subordinate Court of the same District to perform the duties of the Judge of the vacated Subordinate Court, either at the place of such Court or of his own Court; but in every such case the Registers and Records of the two Courts shall be kept distinct.

VIII.—Ministerial Officers.

36. All ministerial officers of the Civil Courts in each District shall be appointed, and may be suspended or dismissed by the District Judge, subject to such rules as the High Court may from time to time prescribe.

37. The duties of the said ministerial officers shall be regulated by such rules as the High Court may from time to time prescribe.

38. The Governor of Bombay in Council may appoint to any Civil Court under this Act a Clerk of the Court who, in addition to such duties as may from time to time be prescribed by the High Court, may receive and register plaints, and shall refer such as he may consider should be refused for the orders

of the Judge of the Court, and may sign all processes, and authenticate copies of papers.

IX.—Miscellaneous.

39. The proceedings of each Court of Civil Justice shall be kept and recorded according to such rules as the High Court may from time to time prescribe.

40. The High Court shall from time to time prescribe and regulate the fees to be taken for any process issued by any Court the constitution of which is declared by this Act, or by any officer of such Court.

Tables of the fees so prescribed shall be published in the Government Gazette.

41. The District and Subordinate Courts shall sit from day to day, except on Sundays, New Year's Day, Good Friday, Christmas Day, and Her Majesty's Birth Day, and such other days as may be sanctioned for each or every District by the High Court.

The High Court may also permit the Civil Courts under its control to adjourn for a period or periods not exceeding in the whole six weeks in each year.

SCHEDULE.

Enactments repealed.

I.—BOMBAY REGULATIONS.

NO. OF REGULATION.	TITLE OF REGULATION.	EXTENT OF REPEAL.
I of 1827	A Regulation for forming into a regular Code all Rules that may be enacted for the internal Government of the Territories subordinate to the Presidency of Bombay.	Sections 1 to 7, both inclusive.
II of 1827	A Regulation for defining the constitution of Courts of Civil Justice, and the powers and duties of the Judges and Officers thereof.	The preamble and so much of chapters II, III and IV as has not been repealed.
III of 1827	A Regulation containing provisions as to the official proceedings in general of Courts of Civil Justice, their sittings, the mode of communicating with them, the mode of keeping the minutes of their proceedings, the sealing, signing, and language of process, and the grant of copies of papers on their records.	So much as has not been repealed.
IV of 1827	A Regulation prescribing the forms of proceeding of the Courts of Law in Civil Suits and Appeals, and Rules for the trial of the same.	The preamble and sections 24, 26, 27, and 72, clause 4.
XXXI of 1827	A Regulation to explain the principles on which the introduction of the revised Code of Regulations is to be effected.	The whole.
I of 1830	A Regulation rescinding Regulation VII of 1828, and extending the jurisdiction of Native Commissioners to the cognizance of all original suits of whatever amount.	The whole.
VII of 1831	A Regulation for modifying the Rules under which appeals in Civil Suits are to be admitted.	The whole.
XVIII of 1831	A Regulation for instituting gradations of rank in the judicial appointments conferred on Natives, and defining the authority to be exercised by each rank.	The whole.
II of 1833	A Regulation for vesting Judicial Native Commissioners with authority to try civil actions in any part of a zillah to which they stand appointed.	The whole.
VI of 1834	A Regulation providing for the occasional adjournment of the Courts of Civil Judicature under the Presidency of Bombay.	The whole.

II.—ACTS.			has) of such Court + been passed.
No. of Act.	TITLE OF ACT.	EXTENT OF REPEAL.	
IX of 1844	An Act for authorizing the institution of suits in the Courts of Principal Sudder Ameeris and Sudder Ameeris.	So much as has not been repealed.	
XXIX of 1845	An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.	So much as has not been repealed.	

STATEMENT OF OBJECTS AND REASONS.

The object of this Bill is to consolidate the present obscure and scattered law relating to Civil Courts in Bombay, and to make certain amendments therein.

One of these amendments refers to the duty of appointing Subordinate Judges, and on this point there is a difference of opinion between the Government of Bombay and the High Court.

The Government points out that this duty naturally pertains to the executive and sees no reason for transferring it to the High Court. The High Court (differing in this from the Court of 1864, whose opinion coincided with that stated above) recommends that "all commissions of appointment should be issued to the Subordinate Judges by Government on the nomination of the High Court."

The Bill follows in this and some other minor points the opinion of the Government of Bombay, but the Council has before it the views of the High Court, and if the Bill is referred to a Select Committee, these views will receive the fullest consideration.

The reason for bringing this Bill before the Council of the Governor General is that, as the jurisdiction of the Bombay High Court over existing Courts will be affected by its provisions, it cannot be passed by the Council of the Governor of Bombay.

M. J. SHAW STEWART.

The 11th January 1869.

WHITLEY STOKES,

Asst. Secy. to the Govt. of India,
Home Dept. (Legislative).

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Report of a Select Committee, together with the Bill as settled by them, was presented to the Council of the Governor General of India for the purpose of making Laws and Regulations, on the 12th February 1869:—

REPORT.

We, the Members of the Select Committee of

From Officiating Secretary to Government of Bengal, No. 3887, dated 7th August 1868.

From Judge of Zila Dacca, No. 5A, dated 27th July 1868.

Minute by the Hon'ble the Chief Justice, Calcutta, dated 15th December 1868.

Minute by the Hon'ble Mr. Justice Norman, dated 26th December 1868.

From Secretary to Government, Panjab, No. 1616, dated 12th December 1868.

From Senior Judge, Chief Court, Panjab, dated 7th December 1868.

From Chief Secretary to Government, Fort Saint George, No. 272, dated 19th December 1868, and enclosure.

From Secretary to Government, North-Western Provinces, No. 213A, dated 29th December 1868, and enclosure.

proposed Act. In that case Lord Colonsay expresses

the Council of the Governor General of India for the purpose of making Laws and Regulations, to which the Bill to amend the law relating to Divorce and Matrimonial Causes in India, was referred, have the honour to state that we have considered the papers noted in the margin, and to present this our final report.

We have carefully considered the case of *Shaw v. Gould*, with reference to the persons who shall be made competent to institute proceedings under the proposed

an opinion that a decree of divorce pronounced by a foreign tribunal, in the case of a marriage between English subjects, would be recognized by the English Courts when pronounced between parties who, though not actually domiciled, are *bonâ fide* resident in the foreign territory at the date of the institution of the suit. Acting on this opinion we have altered section 2 of the Bill as settled by us at Simla, and have provided that nothing in the proposed Act shall authorize the Courts to grant relief, except in cases where the petitioner resides in India at the time of presenting the petition; or to make decrees of dissolution of marriage except in the following cases:—(a) where the marriage shall have been solemnized in India; or, (b), where the adultery, rape or unnatural crime complained of shall have been committed in India; or, (c), where the husband has, since the solemnization of the marriage, exchanged his profession of christianity for the profession of some other form of religion; or to make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

Section 10 of the Bill as formerly revised by us excludes Roman Catholics from presenting petitions for divorce. We have, on further consideration, struck out this provision on the ground that it is wrong to deprive these persons of a right to free themselves from that which the law recognizes as a civil contract, and that there is no good reason why the Indian should differ in this respect from the English law.

To section 16 we have added the following clause:—"Whenever a decree *nisi* has been made and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit."

35. In the event whether it would be desirable upon the District Courts the power to make decrees of nullity where the consent of either party was obtained by force or fraud. We have come to the conclusion that to do so would be inexpedient, but we have expressly saved the present jurisdiction of the High Courts in this respect.

We have inserted a provision, contained in the New York Civil Code, that the children of a marriage annulled on the ground that the former husband or wife was living, shall be entitled to succeed, as if they were legitimate, to the estate of the parent competent to contract the marriage.

We have made a similar provision in the case of children of a marriage annulled on the ground of insanity.

With regard to restitution of conjugal rights, we have provided (section 33) that grounds for a decree of nullity of marriage may be pleaded in answer to a petition for such restitution.

In section 35 we have empowered (in accordance with a recent English decision) the Court to order a litigious intervenor to pay the costs occasioned by his intervention.

As regards alimony, we have provided, in accordance with the English rule, that it shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order. We have on consideration abstained from fixing a maximum limit to permanent alimony. We have, however, empowered the Court to order such alimony not only in the case of a decree of dissolution, but also in that of a decree of judicial separation obtained by the wife. We have struck out the clause authorising the High Court to suspend the pronouncing of its decree or the confirmation of the District Judge's decree, until the instrument securing alimony has been executed.

In section 51 we have, at the suggestion of the High Court of the North-Western Provinces, provided that any party to a suit under the proposed Act may offer himself or herself as a witness, and shall be examined and may be cross-examined and re-examined like any other witness.

We have made a few verbal alterations, and recommend that the Bill as amended be passed.

H. S. MAINE.
JOHN STRACHEY.
RICHARD TEMPLE.
F. R. COCKERELL.
GEORGE COUPER.
GORDON FORBES.
M. J. SHAW STEWART.

CALCUTTA :

30th January 1869. }

THE INDIAN DIVORCE BILL, 1869.

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Nos.

6. Statement in answer to No. 5.
 7. Statement in reply to No. 6.
 8. Petition for a judicial separation by reason of cruelty.
 9. Statement in answer to No. 8.
 10. Petition for reversal of decree of separation.
 11. Form of petition for protection-order.
 12. Petition for alimony pending the suit.
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AMENDED BILL.

To amend the law relating to Divorce and Matrimonial Causes in India.

As amended by the Select Committee.]

WHEREAS it is expedient to amend the law relating to the divorce of persons professing the Christian religion, and to confer upon certain Courts jurisdiction in matters matrimonial; It is hereby enacted as follows:—

I.—*Preliminary.*

1. This Act may be called "The Indian Divorce Act," and shall come into operation on the first day of March 1869.

Short title. Act,
 Commencement of Act. operation on the first day of March 1869.

2. This Act shall extend to the whole of British India, and (so far only as regards British subjects within the dominions hereinafter mentioned) to the dominions of Princes and States in India in alliance with Her Majesty.

Nothing hereinafter contained shall authorize any Court to grant any relief under this Act, except in cases where the petitioner professes the Christian religion and resides in India at the time of presenting the petition;

or to make decrees of dissolution of marriage. And to make decrees except in the following cases:—(a) where the marriage shall have been solemnized in India; or (b) where the adultery, rape or unnatural crime complained of shall have been committed in India; or (c) where the husband has, since the solemnization of the marriage, exchanged his profession of Christianity for the profession of some other form of religion;

or to make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

3. In this Act, unless there be something repugnant in the subject or context,—

(1). "High Court" means in any Regulation Province the Court established under the Act the twenty-fourth and twenty-fifth of Victoria Chapter one hundred and four, in the territories for the time being subject to the government of the Lieutenant Governor of the Panjáb, the Chief Court of the Panjáb, in British Burma, the High Court of Judicature at Fort William in Bengal,

and in any other Non-Regulation Province and in any place in the dominions of the Princes and States of India in alliance with Her Majesty, the High Court or Chief Court to whose original criminal jurisdiction the petitioner is for the time being subject, or would be subject if he or she were an European British subject of Her Majesty:

In the case of any petition under this Act, 'High Court' is that one of the aforesaid Courts within the local limits of whose ordinary appellate jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

(2). "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,

in the Non-Regulation Provinces, other than British Burma, a Commissioner of a Division,

in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon until a Recorder's Court is established at Akyab, and thenceforward the Recorder at Akyab,

in the Tenasserim Provinces, the Recorder at Mawmabin,

and in any place in the dominions of the Princes and States aforesaid, such officer as the Governor General of India in Council shall from time to time appoint in this behalf by notification in the *Gazette of India*, and, in the absence of such officer, the High Court in the exercise of its original jurisdiction under this Act:

(3). "District Court" means, in the case of any petition under this Act, the Court of the District Judge within the local limits of whose ordinary jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

(4). "Court" means the High Court or the District Court, as the case may be:

(5). "Minor children" means, in the case of sons of Native fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of Native fathers, girls who have not completed the age of thirteen years: In other cases it means unmarried children who have not completed the age of eighteen years:

(6). "Incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity:

(7). "Bigamy with adultery" means adultery with the same woman with whom the bigamy was committed:

(8). "Marriage with another woman" means marriage of any person being married to any other person, during the life of the former wife, whether the second marriage shall have taken place within the dominions of Her Majesty or elsewhere:

(9). "Desertion" implies an abandonment against the wish of the person charging it;

(10). and "property" includes in the case of a wife any property to which she is entitled for an estate in remainder or reversion or as a trustee, executrix or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix.

II.—Jurisdiction.

4. The jurisdiction now exercised by the High Courts in respect of divorce *a mens et toro*, and in all other causes, suits and matters matrimonial, shall be exercised by such Courts and by the District Courts subject to the provisions in this Act maintained, and not otherwise: except so far as relates to the granting of marriage-licenses, which may be granted as if this Act had not been passed.

5. Any decree or order of the late Supreme Court of Judicature at Calcutta, Madras, or Bombay sitting on the ecclesiastical side, or of any of the said High Courts ^{including} in the exercise of their matrimonial jurisdiction, respectively, in any cause or matter matrimonial, may be enforced and dealt with by the said High Courts, respectively, as hereinafter mentioned, in like manner as if such decree or order had been originally made under this Act by the Court so enforcing or dealing with the same.

6. All suits and proceedings in causes and matters matrimonial, which when this Act comes into operation are pending in any High Court, shall be dealt with and decided by such Court, so far as may be, as if they had been originally instituted therein under this Act.

7. Subject to the provisions contained in this Act, the High Courts and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief.

8. The High Court may, whenever it thinks fit, remove and try and determine as a Court of original jurisdiction any suit or proceeding instituted under this Act in the Court of any District Judge within the limits of its jurisdiction under this Act.

The High Court may also withdraw any such suit or proceeding, and transfer it for trial or disposal to the Court of any other such District Judge.

9. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any

suit under this Act by a District Court or at any subsequent stage of such suit, or in the execution of the decree therein or order thereon,

the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court.

If the question has arisen previous to or in the hearing, the District Court may either stay such proceedings, or proceed in the case pending such reference, and pass a decree contingent upon the opinion of the High Court upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court upon such reference.

III.—Dissolution of Marriage.

10. Any husband may present a petition to the District Court or to the High Court, praying that his marriage may be dissolved on the ground that his wife has, since the solemnization thereof, been guilty of adultery.

Any wife may present a petition to the District Court or to the High Court, praying that her marriage may be dissolved on the ground that since the solemnization thereof her husband has exchanged his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman;

or has been guilty of incestuous adultery, or of bigamy with adultery, or of marriage with another woman with adultery, or of rape, sodomy or bestiality, or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et toro*, or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

11. Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court :—

(1.) That the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed.

(2.) That the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it.

(3.) That the alleged adulterer is dead.

12. Upon any such petition for the dissolution of a marriage, the Court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not

the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any countercharge which may be made against the petitioner.

13. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed,

or finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

14. In case the Court is satisfied on the evidence that the case of the petitioner has been proved,

and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections sixteen and seventeen made and declared:

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery,

or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition,

or of cruelty towards the other party to the marriage,

or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse,

or of such wilful neglect or misconduct of or towards the other party as has conducted to the adultery.

No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal cohabitation has been resumed or continued.

15. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty, or desertion without reasonable excuse, or in case of such a suit instituted by a wife, on the

ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of or relating to such cruelty or desertion.

16. Every decree for a dissolution of marriage made by a High Court not being a confirmation of a decree of a District Court,

Decrees for dissolution to be nisi.

shall, in the first instance, be a decree *nisi*, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court, by general or special order from time to time directs.

During that period any person shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being so shown, the Court shall deal with the case by making the decree absolute, or by reversing the decree *nisi*, or by requiring further inquiry, or otherwise as justice may demand.

The High Court may order the costs of Counsel and witnesses and otherwise arising from such cause being shown, to be paid by the parties or such one or more of them as it thinks fit, including a wife if she have separate property.

Whenever a decree *nisi* has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

17. Every decree for a dissolution of marriage made by a District Judge shall be subject to confirmation by the High Court.

Cases for confirmation of a decree for a dissolution of marriage shall be heard by a Court composed of two or more Judges of the High Court.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made, or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Judge, and the High Court shall thereupon make a decree for dissolution of marriage, or such other order as to the Court seems fit.

Provided that no decree shall be confirmed under this section till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

During the progress of the suit in the Court of the District Judge, any person suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit under section eight, and the High Court shall thereupon, if it think fit, remove such suit and try and determine the same as a Court of original jurisdiction, and the provisions contained in

section sixteen shall apply to every suit so removed: or it may direct the District Judge to take such steps in respect of the alleged collusion as may be necessary to enable him to make a decree in accordance with the justice of the case.

IV.—Nullity of Marriage.

18. Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be declared null and void.

Petition for decree of nullity.

Grounds of decree.

19. Such decree may be made on any of the following grounds:—

(1.) That the respondent was impotent at the time of the marriage and at the time of the institution of the suit;

(2.) That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity;

(3.) That either party was a lunatic or idiot at the time of the marriage;

(4.) That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the High Court to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

20. Every decree of nullity of marriage made by a District Judge shall be subject to confirmation by the High Court, and the provisions of section seventeen, clauses one, two, three and four, shall *mutatis mutandis* apply to such decrees.

21. Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

V.—Judicial Separation.

22. No decree shall hereafter be made for a divorce *a mensâ et toro*, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion, without reasonable excuse for two years or upwards,

and such decree shall have the effect of a divorce *a mensâ et toro* under the existing law, and such other legal effect as hereinafter mentioned.

23. Application for judicial separation on any one of the grounds aforesaid, may be made by either husband or wife by petition to the District Court or the High Court; and the

Application for separation made by petition.

Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

24. In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her.

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead:

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

25. In every case of a judicial separation under this Act, the wife shall, whilst so separated, be considered as an unmarried woman for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding; and her husband shall not be liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation.

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessities supplied for her use.

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Reversal of Decree of Separation.

26. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion, where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the sentence of separation and of the reversal thereof.

VI.—Protection Orders.

27. Any wife to whom the fourth section of the Indian Succession Act, 1865, does not apply, may, when deserted by her hus-

band, present a petition to the District Court or the High Court, at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

28. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

29. The husband or any creditor of, or person claiming under, him may apply to the Court by which such order was made for the discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

30. If the husband or any creditor of, or person claiming under, the husband seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife (which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

31. So long as any such order of protection remains in force, the wife shall be and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

VII.—Restitution of Conjugal Rights.

32. When either the husband or the wife has withdrawn from the society of the other, either wife or husband may apply, by petition to the District Court or the High Court, for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

33. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights, which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

VIII.—Damages and Costs.

34. Any husband may, either in a petition for dissolution of marriage or for judicial separation, or in a petition to the District Court or the High Court

limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

35. Whenever in any petition presented by a husband the alleged adulterer

Power to order adulterer to pay costs.

has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings:

Provided that the co-respondent shall not be ordered to pay the petitioner's costs,

(1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

Whenever any application is made under section seventeen, the Court if it thinks that the applicant had no grounds or no sufficient grounds for intervening, may order him to pay the whole or any part of the costs occasioned by the application.

Power to order litigation intervenor to pay costs.

IX.—Alimony.

36. In any suit under this Act, whether it be instituted by a husband or a wife and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Alimony pendente lite.

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

37. The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

and the District Judge may, if he thinks fit, on the confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife

order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of

the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

38. In all cases in which the Court makes any decree or order for alimony,

Court may direct payment of alimony to wife or to her trustee.

it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

X.—Settlements.

39. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that

Power to order settlement of wife's property for benefit of husband and children.

the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation, shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

The Court may direct that the whole or any part of the damages recovered under section thirty-four shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

40. The High Court, after a decree absolute for dissolution of marriage,

Inquiry into existence of ante-nuptial or post-nuptial settlements.

or a decree of nullity of marriage,

and the District Court after its decree for dissolution of marriage or of nullity of marriage has been confirmed,

may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit:

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI.—Custody of Children.

41. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

Power to make orders as to custody of children in suit for separation.

42. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

Power to make such orders after decree.

43. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in, or removed to, a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be), make such interim orders, and may make such provision in the decree absolute or decree,

Power to make orders as to custody of children in suits for dissolution or nullity.

and in any such suit instituted in a District Court, the Court may from time to time, before its decree is confirmed, make such interim orders and may make such provision on such confirmation,

as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit;

and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the Court.

44. The High Court after a decree absolute for dissolution of marriage or a decree of nullity of marriage,

Power to make such orders after decree or confirmation.

and the District Court after a decree for dissolution of marriage or of nullity of marriage has been confirmed,

may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid.

XII.—Procedure.

45. Subject to the provisions herein contained, all proceedings under this Act between party and party shall be regulated by the Code of Civil Procedure.

Code of Civil Procedure to apply.

46. The forms set forth in the schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

Forms of petitions and statements.

47. Every petition under this Act for a decree of dissolution of marriage, or of nullity of marriage, or of judicial separation, or of reversal of judicial separation, or for restitution of conjugal rights, or for damages, shall bear a stamp of five rupees, and shall, in the first, second and third cases mentioned in this section, state that there is not any collusion or connivance between the petitioner and the other party to the marriage.

Stamp on petition.

Petition to state absence of collusion.

The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in manner required by law for the verification of plaints, and may at the hearing be referred to as evidence.

Statements to be verified.

48. When the husband or wife is a lunatic or idiot, any suit under this Act (other than a suit for restitution of conjugal rights) may be brought on his or her behalf by the committee or other person entitled to his or her custody.

Suits on behalf of lunatics.

49. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under this Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Suits by minors.

Such undertaking shall bear a stamp of eight annas and shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

50. Every petition under this Act shall be served on the party to be affected thereby, either within or without British India, in such manner as the High Court by general or special order from time to time directs:

Service of petition.

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

51. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross-examined and re-examined, like any other witness:

Mode of taking evidence.

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

52. On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

53. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors.

54. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon—if it sees fit so to do.

55. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from in the like manner as the decrees and orders of the Court made in the exercise of its original civil jurisdiction are enforced and may be appealed from under the laws, rules and orders for the time being in force:

Provided that there shall be no appeal from a decree of a District Judge for dissolution of marriage or of nullity of marriage:

Provided also that there shall be no appeal on the subject of costs only.

56. Any person may appeal to Her Majesty in Council from any decree (other than a decree *nisi*) or order under this Act of a High Court made on appeal or otherwise,

and from any decree (other than a decree *nisi*) or order made in the exercise of original jurisdiction by Judges of a High Court or of any Division Court from which an appeal shall not lie to the High Court,

when the High Court declares that the case is fit one for appeal to Her Majesty in Council.

XIII.—Re-marriage.

57. When six months after the date of any decree of a High Court dissolving a marriage, have expired, and no appeal has been presented against such decree to the High Court or its appellate jurisdiction,

or when any such appeal has been dismissed, or when in the result of any such appeal any marriage is declared to be dissolved,

but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death:

Provided that no appeal to Her Majesty in Council has been presented against any such decree or order.

When such appeal has been dismissed, or when the result thereof the marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again

as if the prior marriage had been dissolved by death.

58. No clergyman in Holy Orders of the United Church of England and Ireland shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty, or censure for solemnizing or refusing to solemnize the marriage of any such person.

59. When any Minister of any Church or Chapel of the said United Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

XIV.—Miscellaneous.

60. Every decree for judicial separation or order to protect property obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary for the protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall effect any rights or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order, and of the reversal, discharge or variation thereof.

All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may then have been reversed, discharged or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued,

unless, at the time of the payment, transfer or other act, such persons had notice of the reversal, discharge or variation of the decree or order or of the cessation or discontinuance of the separation.

61. After this Act comes into operation, no person competent to present a petition under sections two and ten shall maintain a suit for criminal conversation with his wife.

62. The High Court shall make such rules under this Act as it may from time to time consider expedient, and may from time to time alter and add to the same.

Provided that such rules, alterations and additions are consistent with the provisions of this Act and the Code of Civil Procedure.

All such rules, alterations and additions shall be published in the local Official Gazette.

SCHEDULE OF FORMS.

No. 1.—PETITION by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.

(See Sections 10 and 34).

In the (High) Court of
To the Hon'ble Mr. Justice [or To the Judge of]
The day of 186 .
The petition of A. B. of

SH EWETH,

1. That your petitioner was on the day of , one thousand eight hundred and , lawfully married to C. B., then C. D., spinster at . (a)

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at , in , and lastly at in , and that your petitioner and his said wife have had issue of their said marriage, five children, of whom two sons only survive, aged respectively twelve and fourteen years.

3. That during the three years immediately preceding the day of , one thousand eight hundred and , X. Y. was constant with few exceptions, residing in the house of your petitioner at aforesaid, and that on divers occasions during the said period, the dates of which are unknown to your petitioner, the said C. B. in your petitioner's said house committed adultery with the said X. Y.

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said X. Y. do pay the sum of Rs. 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) A. B. (b)

Form of Verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2.—Respondent's statement in answer to No. 1.

In the Court of the day of
Between A. B., petitioner,
C. B., respondent, and
X. Y., co-respondent.

C. B., the respondent, by D. E. her attorney [or vakil] in answer to the petition of A. B.

(a). If the marriage was solemnized out of India the adultery must be shewn to have been committed in India.

(b). The petition must be signed by the petitioner.

says that she denies that she has on divers or any occasions committed adultery with X. Y., as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

C. B.

No. 3.—Co-respondent's statement in answer to No. 1.

In the (High) Court of

The day of
Between A. B., petitioner,
C. B., respondent, and
X. Y., co-respondent.

X. Y., the co-respondent, in answer to the petition filed in this cause saith that he denies that he committed adultery with the said C. B. as alleged in the said petition.

Wherefore the said X. Y., prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

X. Y.

No. 4.—PETITION for Decree of Nullity of Marriage.

(See Section 18).

In the (High) Court of

To the Hon'ble Mr. Justice [or To the Judge of]

The day of , 186 .
The petition of A. B. falsely called A. D.,

SH EWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to C. D., then a bachelor of about thirty years of age, at [and place in India].

2. That from the said day of , one thousand eight hundred and , until the month of , one thousand eight hundred and , your petitioner lived and cohabited with the said C. D., at divers places, and particularly at aforesaid.

3. That the said C. D., has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said C. D. was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said C. D. with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void.

Form of Verification: See No. 1.

No. 5.—PETITION by wife for judicial separation
on the ground of her husband's adultery.

(See Section 22.)

In the (High) Court of
To the Hon'ble Mr. Justice [or To
the Judge of]

The day of 186 .
The petition of C. B., of
the wife of A. B.

SHWETH,

1. That on the day of , one
thousand eight hundred and sixty, your petitioner,
then C. D., was lawfully married to A. B. at the
Church of , in the

2. That after her said marriage, your petitioner
cohabited with the said A. B. at and at
, and that your petitioner and her
said husband have issue living of their said mar-
riage, three children, to wit, &c., &c. (a).

3. That on divers occasions in or about the
months of August, September and October, one
thousand eight hundred and sixty-eight, the said
A. B., at , aforesaid, committed adultery
with E. F., who was then living in the service
of the said A. B. and your petitioner at their said
residence, aforesaid.

4. That on divers occasions in the months of
October, November, and December, one thousand
eight hundred and sixty-eight, the said A. B.,
aforesaid, committed adultery with G. H., who
was then living in the service of the said A. B.
and your petitioner at their said residence
place aforesaid.

5. That no collusion or connivance exists be-
tween your petitioner and the said A. B. with
respect to the subject of the present suit.

Your petitioner therefore
prays that this (Hon'ble)
Court will decree a judi-
cial separation to your pe-
titioner from her said hus-
band by reason of his
aforesaid adultery.

(Signed) C. B. (b).

Form of Verification: See No. 1.

No. 6.—Statement in answer to No. 5.

In the (High) Court of
B. against B.
The day of

The respondent, A. B., by W. Y., his attorney
[or vakil] saith,—

1. That he denies that he committed adultery
with E. F., as in the 3rd paragraph of the petition
alleged.

2. That the petitioner condoned the said adul-
tery with E. F., if any.

3. That he denies that he committed adultery
with G. H., as in the 4th paragraph of the peti-
tion alleged.

4. That the petitioner condoned the said adul-
tery with G. H., if any.

Wherefore this respondent
prays that this (Hon'ble)
Court will reject the pray-
er of the said petition.

(a)—State the respective ages of the children.

(b)—The petition must be signed by the petitioner.

No. 7.—Statement in reply to No. 6.

In the (High) Court of

B. against B.

The day of

The petitioner, C. B., by her attorney [or va-
kil] says—

1. That she denies that she condoned the said
adultery of the respondent with E. F. as in the
2nd paragraph of the statement in answer alleged.

2. That even if she had condoned the said
adultery, the same has been revived by the sub-
sequent adultery of the respondent with G. H. as
set forth in the 4th paragraph of the petition.

No. 8.—PETITION for a judicial separation by
reason of cruelty.

(See Section 22.)

In the (High) Court of
To the Hon'ble Mr. Justice [or To the
Judge of]

The day of 186 .

The petition of A. B. (wife of C. B.) of

SHWETH,

1. That on the day of , one
thousand eight hundred and , your peti-
tioner then A. D., spinster, was lawfully married
to C. B., at

2. That from her said marriage, your petitioner
lived and cohabited with her said husband at
until the day of ,
one thousand eight hundred and , when
your petitioner separated from her said husband
as hereinafter more particularly mentioned, and
that your petitioner and her said husband have
had no issue of their said marriage.

3. That from and shortly after your petitioner's
said marriage, the said C. B. habitually conduct-
ed himself towards your petitioner with great
harshness and cruelty, frequently abusing her in
the coarsest and most insulting language, and beat-
ing her with his fists, with a cane, or with some
other weapon.

4. That on an evening in or about the month of
one thousand eight hundred and
, the said C. B. in the highway and opposite to
the house in which your petitioner and the said
C. B. were then residing at aforesaid, en-
deavoured to knock your petitioner down, and was
only prevented from so doing by the interference
of F. D., your petitioner's brother.

5. That subsequently on the same evening,
the said C. B. in his said house at aforesaid,
struck your petitioner with his clenched fist a
violent blow on her face.

6. That on one Friday night in the month of
one thousand eight hundred and , the
said C. B., in , without provocation, threw
a knife at your petitioner, thereby inflicting a
severe wound on her right hand.

7. That on the afternoon of the day of
, one thousand eight hundred and ,
your petitioner, by reason of the great and con-
tinued cruelty practised towards her by her said

husband, with assistance withdrew from the house of her said husband to the house of her father at ; that from and after the said day of , one thousand eight hundred and , your petitioner hath lived separate and apart from her said husband, and hath never returned to his house or to cohabitation with him.

8. That there is no collusion or connivance between your petitioner and her said husband with respect to the subject of the present suit.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a judicial separation between your petitioner and the said C. B., and also order that the said C. B. do pay the costs of and incident to these proceedings.

(Signed) A. B.

Form of Verification: See No. 1.

No. 9.—Statement in answer to No. 8.

In the (High) Court of
The day of
Between A. B., petitioner, and
C. B., respondent.

C. B., the respondent, in answer to the petition filed in this cause by W. J. his attorney [or vakil] saith that he denies that he has been guilty of cruelty towards the said A. B., as alleged in the said petition.

No. 10.—PETITION for reversal of decree of separation.

(See Section 24.)

In the (High) Court of
To the Hon'ble Mr. Justice [or To the Judge of]
The day of 186
The petitioner of A. B. of

SHEWETH,

1. That your petitioner was on the day of lawfully married to

2. That on the day of , this (Hon'ble) Court at the petition of , pronounced a decree affecting the petitioner to the effect following, to wit,—

[Here set out the decree].

3. That such decree was obtained in the absence of your petitioner, who was then residing at
[State facts tending to show that the petitioner did not know of the proceedings; and, further, that had he known he might have offered a sufficient defence].

or

That there was reasonable ground for your petitioner leaving his said wife, for that his said wife

[Here state any legal grounds justifying the petitioner's separation from his wife.]

Your petitioner, therefore, prays that this (Hon'ble) Court will reverse the said decree.

Form of Verification: See No. 1.

No. 11.—FORM of Petition for Protection-order.
(See Section 27.)

In the (High) Court of
To the Hon'ble Mr. Justice [or To the Judge of]

The day of 186
The petition of C. B., of
the wife of A. B.

SHEWETH,

That on the day of she was lawfully married to A. B., at

That she lived and cohabited with the said A. B. for years at , and also at and hath had children, issue of her said marriage, of whom are now living with the applicant, and wholly dependent upon her earnings.

That on or about , the said A. B., without any reasonable cause, deserted the applicant, and hath ever since remained separate and apart from her.

That since the desertion of her said husband, the applicant hath maintained herself by her own industry [or on her own property, as the case may be], and hath thereby and otherwise acquired certain property, consisting of [here state generally the nature of the property].

Wherefore she prays an order for the protection of her earnings and property acquired since the said day of , from the said A. B., and from all creditors and persons claiming under him.

No. 12.—PETITION for alimony pending the suit.
(See Section 36.)

In the (High) Court of
B. against B.
To the Hon'ble Mr. Justice [or To the Judge of]
The day of 186
The petition of C. B., the lawful wife of A. B.

SHEWETH,

1. That the said A. B. has for some years carried on the business of , at and from such business derives the net annual income of from Rs. 4,000 to Rs. 5,000.

2. That the said A. B. is possessed of plate, furniture, linen, and other effects, at his said house aforesaid, all of which he acquired by right of your petitioner as his wife, or purchased with money he acquired through her, of the value of Rs. 10,000.

3. That the said A. B. is entitled, under the will of his father, subject to the life interest of his mother therein, to property of the value of Rs. 5,000 or some other considerable amount (a).

Your petitioner, therefore, prays that this (Hon'ble) Court will decree such sum or sums of money by way of alimony pending the suit, as to the (Hon'ble) Court may seem meet.

(Signed) C. B.

Form of Verification: See No. 1.

(a).—The petitioner should state her husband's income as accurately as possible.

No. 13.—Statement in answer to No. 12.

In the (High) Court of
B. against B.

A. B. of _____, the above-named respondent, in answer to the petition for alimony pending the suit of C. B., says,—

1. In answer to the first paragraph of the said petition, I say that I have for the last *three* years carried on the business of _____, at _____ and that from such business, I have derived a net annual income of Rs. 900, but less than Rs. 1,000.

2. In answer to the 2nd paragraph of the said petition, I say that I am possessed of plate, furniture, linen, and other chattels and effects at my said house, aforesaid, of the value of Rs. 7,000, but as I verily believe of no larger value. And I say that a portion of the said plate, furniture, and other chattels and effects of the value of Rs. 1,500, belonged to my said wife before our marriage, but the remaining portions thereof I have since purchased with my own monies. And I say that, save as hereinbefore set forth, I am not possessed of the plate and other effects as alleged in the said paragraph in the said petition, and that I did not acquire the same as in the said petition also mentioned.

3. I admit that I am entitled under the will of my father, subject to the life interest of my mother therein, to property of the value of Rs. 5,000, that is to say, I shall be entitled under my said father's will, upon the death of my mother, to a legacy of Rs. 7,000, out of which I shall have to pay to my father's executors the sum of Rs. 2,000 the amount of a debt owing by me to his estate, and upon which debt I am now paying interest at the rate of five per cent. per annum.

4. And, in further answer to the said petition, I say that I have no income whatever except that derived from my aforesaid business, that such income, since my said wife left me, which she did on the _____ day of _____ last, has been considerably diminished, and that such diminution is likely to continue. And I say that out of my said income, I have to pay the annual sum of Rs. 100 for such interest as aforesaid to my late father's executors, and also to support myself and my two eldest children.

5. And, in further answer to the said petition, I say that when my wife left my dwelling-house on the _____ day of _____ last, she took with her, and has ever since withheld and still withholds from me, plate, watches, and other effects in the 2nd paragraph of this my answer mentioned, of the value of, as I verily believe, Rs. 800 at the least; and I also say that within five days of her departure from my house as aforesaid, my said wife received bills due to me from certain lodgers of mine, amounting in the aggregate to Rs. _____, and that she has ever since withheld and still withholds from me the same sum.

(Signed) A. B.

No. 14.—FORM of undertaking by minor's next friend to be answerable for respondent's costs.

(See Section 49).

In the (High) Court of

I, the undersigned A. B., of _____ being the next friend of C. D., who is a minor, and who is

desirous of filing a petition in this Court, under the Indian Divorce Act, against D. D. of _____ hereby undertake to be responsible for the costs of the said D. D. in such suit, and that if the said C. D. fail to pay to the said D. D. when and in such manner as the Court shall order all such costs of such suit as the Court shall direct him [or her] to pay to the said D. D., I will forthwith pay the same to the proper officer of this Court.

Dated this _____ day of _____ 186 ____
(Signed) A. B.

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 " separation on ground of, sec. 22.
 " husband and wife may give evidence as to, sec. 52.
 See *Reasonable excuse*.
 Discharge of protection-order, sec. 29.
 " of order for permanent alimony, sec. 37.
 Dismissal of petition for dissolution, sec. 13.
 " by District Court does not bar petition to High Court, *ib.*
 " of suit when petitioner fails to move to have decree *nisi* made absolute, sec. 16.
 Dissolution of marriage, sec. 2, 10—17.
 " " grounds of, sec. 10.
 " " adulterer to be a co-respondent to petition for, sec. 11.
 " " absence of collusion in petitioner for, sec. 12.
 " " dismissal of petition for, sec. 13.
 " " decree for, secs. 14, 16, 17.
 " " relief in case of opposition to suit for, sec. 15.

limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

35. Whenever in any petition presented by a

Power to order adulterer to pay costs.

husband the alleged adulterer has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings:

Provided that the co-respondent shall not be ordered to pay the petitioner's costs,

(1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

Whenever any application is made under section seventeen, the Court if it thinks that the applicant had no grounds or no sufficient grounds for intervening, may order him to pay the whole or any part of the costs occasioned by the application.

IX.—Alimony.

36. In any suit under this Act, whether it be

Alimony pendente lite.

instituted by a husband or a wife and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average net income for the three years next preceding the date of the order, and shall continue, in case of a decree of dissolution of marriage or of nullity of marriage, until the decree is made absolute or is affirmed, as the case may be.

37. The High Court may, if it think fit, on

Power to order permanent alimony.

any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

and the District Judge may, if he thinks fit, on confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife

order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for term not exceeding her own life, as, having regard to her fortune (if any), to the ability of

the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

In every such case the Court may make an order on the husband for pay-

Power to order monthly or weekly payments.

ment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

38. In all cases in which the Court makes any

Court may direct payment of alimony to wife or to her trustee.

decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient so to do.

X.—Settlements.

39. Whenever the Court pronounces a decree

Power to order settlement of wife's property for benefit of husband and children.

of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation, shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

The Court may direct that the whole or any part of the damages recovered under section thirty-four shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

40. The High Court, after a decree absolute

Inquiry into existence of ante-nuptial or post-nuptial settlements.

for dissolution of marriage, or a decree of nullity of marriage,

and the District Court after its decree for dissolution of marriage or of nullity of marriage has been confirmed,

may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit:

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI.—Custody of Children.

41. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

Power to make orders as to custody of children in suit for separation.

42. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

Power to make such orders after decree.

43. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in, or removed to, a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be), make such interim orders, and may make such provision in the decree absolute or decree,

Power to make orders as to custody of children in suits for dissolution or nullity.

and in any such suit instituted in a District Court, the Court may, from time to time, before its decree is confirmed, make such interim orders and may make such provision on such confirmation,

as the High Court or District Court (as the case may be) deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the suit;

and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the Court.

Power to make such orders after decree or confirmation.

44. The High Court after a decree absolute for dissolution of marriage or a decree of nullity of marriage,

and the District Court after a decree for dissolution of marriage or of nullity of marriage has been confirmed,

may, upon application by petition for the purpose, make from time to time all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents was the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree absolute or decree (as the case may be), or by such interim orders as aforesaid.

XII.—Procedure.

45. Subject to the provisions herein contained, all proceedings under this Act between party and party shall be regulated by the Code of Civil Procedure.

Code of Civil Procedure to apply.

46. The forms set forth in the schedule to this Act, with such variation as the circumstances of each case require, may be used for the respective purposes mentioned in such schedule.

Forms of petitions and statements.

47. Every petition under this Act for a decree of dissolution of marriage, or of nullity of marriage, or of judicial separation, or of reversal of judicial separation, or for restitution of conjugal rights, or for damages, shall bear a stamp of five rupees, and shall, in the first, second and third cases mentioned in this section, state that there is not any collusion or connivance between the petitioner and the other party to the marriage.

Stamp on petition.

Petition to state absence of collusion.

The statements contained in every petition under this Act shall be verified by the petitioner or some other competent person in manner required by law for the verification of complaints, and may at the hearing be referred to as evidence.

Statements to be verified.

48. When the husband or wife is a lunatic or idiot, any suit under this Act (other than a suit for restitution of conjugal rights) may be brought on his or her behalf by the committee or other person entitled to his or her custody.

Suits on behalf of lunatics.

49. Where the petitioner is a minor, he or she shall sue by his or her next friend to be approved by the Court; and no petition presented by a minor under this Act shall be filed until the next friend has undertaken in writing to be answerable for costs.

Suits by minors.

Such undertaking shall bear a stamp of eight annas and shall be filed in Court, and the next friend shall thereupon be liable in the same manner and to the same extent as if he were a plaintiff in an ordinary suit.

50. Every petition under this Act shall be served on the party to be affected thereby, either within or without British India, in such manner as the High Court by general or special order from time to time directs:

Service of petition.

Provided that the Court may dispense with such service altogether in case it seems necessary or expedient so to do.

51. The witnesses in all proceedings before the Court, where their attendance can be had, shall be examined orally, and any party may offer himself or herself as a witness, and shall be examined, and may be cross-examined and re-examined, like any other witness:

Mode of taking evidence.

Provided that the parties shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in every such affidavit shall, on the application of the opposite party, or by direction of the Court, be subject to be cross-examined by or on behalf of the opposite party orally, and after such cross-examination may be re-examined orally as aforesaid by or on behalf of the party by whom such affidavit was filed.

52. On any petition presented by a wife, praying that her marriage may be dissolved by reason of her husband having been guilty of adultery coupled with cruelty, or of adultery coupled with desertion without reasonable excuse, the husband and wife respectively shall be competent and compellable to give evidence of or relating to such cruelty or desertion.

53. The whole or any part of any proceeding under this Act may be heard, if the Court thinks fit, with closed doors.

54. The Court may from time to time adjourn the hearing of any petition under this Act, and may require further evidence thereon if it sees fit so to do.

55. All decrees and orders made by the Court in any suit or proceeding under this Act shall be enforced and may be appealed from in the like manner as the decrees and orders of the Court made in the exercise of its original civil jurisdiction are enforced and may be appealed from under the laws, rules and orders for the time being in force:

Provided that there shall be no appeal from a decree of a District Judge for dissolution of marriage or of nullity of marriage:

Provided also that there shall be no appeal on the subject of costs only.

56. Any person may appeal to Her Majesty in Council from any decree (other than a decree *nisi*) or order under this Act of a High Court made on appeal or otherwise,

and from any decree (other than a decree *nisi*) or order made in the exercise of original jurisdiction by Judges of a High Court or of any Division Court from which an appeal shall not lie to the High Court,

when the High Court declares that the case is fit one for appeal to Her Majesty in Council.

XIII.—*Re-marriage.*

57. When six months after the date of any decree of a High Court dissolving a marriage, have expired, and no appeal has been presented against such decree to the High Court in its appellate jurisdiction,

or when any such appeal has been dismissed, or when in the result of any such appeal any marriage is declared to be dissolved,

but not sooner, it shall be lawful for the respective parties to the marriage to marry again, as if the prior marriage had been dissolved by death:

Provided that no appeal to Her Majesty in Council has been presented against any such decree or order.

When such appeal has been dismissed, or when in the result thereof the marriage is declared to be dissolved, but not sooner, it shall be lawful for the respective parties to the marriage to marry again

as if the prior marriage had been dissolved by death.

58. No clergyman in Holy Orders of the United Church of England and Ireland shall be compelled to solemnize the marriage of any person whose former marriage has been dissolved on the ground of his or her adultery, or shall be liable to any suit, penalty, or censure for solemnizing or refusing to solemnize the marriage of any such person.

59. When any Minister of any Church or Chapel of the said United Church refuses to perform such marriage-service between any persons who but for such refusal would be entitled to have the same service performed in such Church or Chapel, such Minister shall permit any other Minister in Holy Orders of the said Church, entitled to officiate within the diocese in which such Church or Chapel is situate, to perform such marriage-service in such Church or Chapel.

XIV.—*Miscellaneous.*

60. Every decree for judicial separation or order to protect property obtained by a wife under this Act shall, until reversed or discharged, be deemed valid, so far as necessary for the protection of any person dealing with the wife.

No reversal, discharge or variation of such decree or order shall effect any right or remedies which any person would otherwise have had in respect of any contracts or acts of the wife entered into or done between the dates of such decree or order, and of the reversal, discharge or variation thereof.

All persons who in reliance on any such decree or order make any payment to, or permit any transfer or act to be made or done by, the wife who has obtained the same shall, notwithstanding such decree or order may

then have been reversed, discharged or varied, or the separation of the wife from her husband may have ceased, or at some time since the making of the decree or order been discontinued, be protected and indemnified as if, at the time of such payment, transfer or other act, such decree or order were valid and still subsisting without variation, and the separation had not ceased or been discontinued,

unless, at the time of the payment, transfer or other act, such persons had notice of the reversal, discharge or variation of the decree or order or of the cessation or discontinuance of the separation.

61. After this Act comes into operation, no person competent to present a petition under sections two and ten shall maintain a suit for criminal conversation with his wife.

62. The High Court shall make such rules under this Act as it may from time to time consider expedient, and may from time to time alter and add to the same.

Provided that such rules, alterations and additions are consistent with the provisions of this Act and the Code of Civil Procedure.

All such rules, alterations and additions shall be published in the local Official Gazette.

SCHEDULE OF FORMS.

No. 1.—PETITION by husband for a dissolution of marriage with damages against co-respondent, by reason of adultery.

(See Sections 10 and 34).

In the (High) Court of
To the Hon'ble Mr. Justice [or To the Judge of]
The day of 186 .
The petition of A. B. of

SH EWETH,

1. That your petitioner was on the day of , one thousand eight hundred and , lawfully married to C. B., then C. D., spinster at . (a)

2. That from his said marriage, your petitioner lived and cohabited with his said wife at and at , in , and lastly at in , and that your petitioner and his said wife have had issue of their said marriage, five children, of whom two sons only survive, aged respectively twelve and fourteen years.

3. That during the three years immediately preceding the day of , one thousand eight hundred and , X. Y. was constantly, with few exceptions, residing in the house of your petitioner at aforesaid, and that on divers occasions during the said period, the dates of which are unknown to your petitioner, the said C. B. in your petitioner's said house committed adultery with the said X. Y.

4. That no collusion or connivance exists between me and my said wife for the purpose of obtaining a dissolution of our said marriage or for any other purpose.

Your petitioner, therefore, prays that this (Hon'ble) Court will decree a dissolution of the said marriage, and that the said X. Y. do pay the sum of Rs. 5,000 as damages by reason of his having committed adultery with your petitioner's said wife, such damages to be paid to your petitioner, or otherwise paid or applied as to this (Hon'ble) Court seems fit.

(Signed) A. B. (b)

Form of Verification.

I, A. B., the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

No. 2.—Respondent's statement in answer to No. 1.

In the Court of the day of
Between A. B., petitioner,
C. B., respondent, and
X. Y., co-respondent.

C. B., the respondent, by D. E. her attorney [or vakil] in answer to the petition of A. B.

(a). If the marriage was solemnized out of India the adultery must be shown to have been committed in India.

(b). The petition must be signed by the petitioner.

says that she denies that she has on divers or any occasions committed adultery with X. Y., as alleged in the third paragraph of the said petition.

Wherefore the respondent prays that this (Hon'ble) Court will reject the said petition.

C. B.

No. 3.—Co-respondent's statement in answer to No. 1.

In the (High) Court of

The day of
Between A. B., petitioner,
C. B., respondent, and
X. Y., co-respondent.

X. Y., the co-respondent, in answer to the petition filed in this cause saith that he denies that he committed adultery with the said C. B. as alleged in the said petition.

Wherefore the said X. Y., prays that this (Hon'ble) Court will reject the prayer of the said petitioner and order him to pay the costs of and incident to the said petition.

X. Y.

No. 4.—PETITION for Decree of Nullity of Marriage.

(See Section 18).

In the (High) Court of

To the Hon'ble Mr. Justice [or To the Judge of]
The day of , 186 .
The petition of A. B. falsely called A. D.,

SH EWETH,

1. That on the day of , one thousand eight hundred and , your petitioner, then a spinster, eighteen years of age, was married in fact, though not in law, to C. D., then a bachelor of about thirty years of age, at [some place in India].

2. That from the said day of , one thousand eight hundred and , until the month of , one thousand eight hundred and , your petitioner lived and cohabited with the said C. D., at divers places, and particularly at aforesaid.

3. That the said C. D., has never consummated the said pretended marriage by carnal copulation.

4. That at the time of the celebration of your petitioner's said pretended marriage, the said C. D. was, by reason of his impotency or malformation, legally incompetent to enter into the contract of marriage.

5. That there is no collusion or connivance between her and the said C. D. with respect to the subject of this suit.

Your petitioner therefore prays that this (Hon'ble) Court will declare that the said marriage is null and void.

Form of Verification: See No. 1.

SCHEDULE.

NUMBER OF STATUTE OR ACT.	TITLE OF STATUTE OR ACT.	EXTENT OF REPEAL.
33 Geo. III, Cap. 52	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating, to certain uses, the Revenues and Profits of the said Company; and for making provision for the good Order and Government of the Towns of Calcutta, Madras and Bombay.	Sections 151 and 152.
17 Geo. III, Sess. 2, Cap. 68.	An Act for the better Government of the Settlements of Fort St. George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act passed in the thirty-third year of his present Majesty as relates to the Periods at which the Civil Servants of the East India Company may be employed in their service abroad.	Sections 4, 5 and 6.
53 Geo. III, Cap. 155	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company.	Section 112.
3 & 3 Wm. IV, Cap. 117.	An Act to amend the Law relating to the Appointment of Justices of the Peace, and of Juries in the East Indies.	The whole.
Act No. XVI of 1841	An Act concerning the taking of Oaths of Qualification by Justices of the Peace.	So much as has not been repealed.
Act No. VI of 1845	An Act to amend the Law regarding the issue of Commissions of the Peace.	The whole.
Act No. XXVII of 1864	An Act to substitute certain declarations for the Oaths of Qualification taken by Justices of the Peace.	The whole.

WHITLEY STOKES,

Secy. to the Council of the Govr. Genl.

for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th February 1869, and is hereby promulgated for general information:—

ACT NO. III OF 1869.

An Act for the maintenance of the Rural Police in the North-Western Provinces.

WHEREAS it is expedient to make further provision for the maintenance of the Rural Police in the North-Western Provinces of the presidency of Fort William and to define the law relating to the appointment and duties of village watchmen in those provinces; It is hereby enacted as follows:—

I.—PRELIMINARY.

1. This Act may be called "The Rural Police (North-Western Provinces) Act."

Short title.

2. Act No. II of 1865 (to provide for the maintenance of the Rural Police in the territories under the Government of the Lieutenant Governor of the North-Western Provinces and elsewhere) and Act No. II of 1866 (to amend Act No. II of 1865), are hereby repealed.

Repeal of Acts.

3. This Act extends to every District in which Act No. II of 1865 was in force immediately before the passing hereof.

Extent of Act.

II.—TAXES.

4. Three kinds of taxes shall be leviable under this Act (that is to say), 1^o, a House Tax; 2^o, an Estate Tax; and 3^o, a Tax on Muáfíáds, Sub-proprietors and Nazránááds.

Taxes leviable under this Act.

1^o.—The House Tax.

5. The proprietor of every Muáfí, Nazráná or other estate situate in any District to which this Act applies shall have power to assess and collect in each year from the occupant of every house on such estate, a sum not exceeding one rupee.

Power to assess house-tax.

The Collector of the District shall have power to determine what shall, for the purposes of this section, be held to be a house.

6. All sums assessed under section five shall be payable in advance for the revenue year next after the assessment, at the time when the first instalment of rents is ordinarily payable

Time of paying house-tax.

in that year for lands comprised in or adjacent to such estate.

7. All sums so assessed shall be recoverable as if they were rent of land.

Provided that no person shall be liable to be ejected from any house in his occupation for non-payment of any such sum.

8. Any person assessed under section five, and unable to pay the amount of the assessment, may present a petition on unstamped paper to the Collector of the District, and such Collector may, if he thinks fit, remit wholly or in part the said assessment.

All complaints of illegal collection under section five shall be cognizable by the Collectors of Land Revenue; and the provisions contained in Act No. X of 1859 (*to amend the Law relating to the recovery of rent in the presidency of Bengal*), section twenty-three, as to institution, trial and appeal, shall apply to complaints under this section.

2°.—The Estate Tax.

9. If, in any year, any such proprietor fails altogether to assess the sum mentioned in section five, or assesses under section five a sum which, in the opinion of the Collector of the District wherein the proprietor's estate is situate, is inadequate, it shall be lawful for such Collector to assess upon such estate a sum payable yearly by the proprietor thereof for the time being, and not exceeding in any year the amount which might have been assessed in the same year under the same section on the occupants of the houses in such estate, less ten per centum.

10. It shall be lawful for the Collector, or for any officer making a settlement of land-revenue, to assess upon any Muáfi, Nazráná, or other estate situate in any District to which this Act applies, a sum to be paid yearly by the proprietor thereof for the time being not exceeding the aggregate amount of the sums payable in respect of such estate or by the occupants of the houses thereon under sections five and nine, less ten per centum.

Such assessment shall be in addition to the municipal cess or percentage (if any) levied for the maintenance of rural police on the land-revenue payable in respect of such estate.

11. The sum assessable under section ten may from time to time, with the sanction of the Local Government, be altered by the Collector or officer aforesaid.

3°.—The Tax on Muáfidárs, Sub-proprietors, and Nazránadárs.

12. Besides the assessments made under section ten, it shall be lawful for the Collector or for any such officer as aforesaid, to levy in the case of any Muáfi or Nazráná estate upon the Muáfidárs, or (where a sub-settlement has been made) on the Sub-proprietors, or on the Nazráná-

dárs, a municipal cess on the estimated jama at the same rate as the estate would have been charged with, had it not been held under a Muáfi or Nazráná title.

13. The Local Government may from time to time prescribe, by notification in the official Gazette, by what instalments and at what times the assessments payable under sections ten and twelve shall be paid, and all sums assessed under either of those sections shall be recoverable as if they were arrears of revenue.

III.—APPLICATION OF TAXES.

14. Subject to the orders of the Local Government, all taxes levied under this Act in any District shall, in the first instance, be applied to the maintenance of the village police in such District, and for the purpose of this section, 'maintenance' shall be deemed to include their wages, the price of all necessaries and accoutrements supplied to them, rewards and other incidental expenses.

The surplus (if any) may be applied by the Local Government, at its discretion, to the sanitary improvement of the District, or to any other useful purpose therein.

IV.—ACCOUNTS OF TAXES.

15. Accounts of the taxes levied under this Act and of the application thereof shall be kept by such persons and in such form, and shall be furnished at such times and to such officers as the Local Government shall, by rules to be published in the official Gazette, from time to time, prescribe.

16. Such accounts shall be open to public inspection at all reasonable times without the payment of any fee.

17. Any proprietor failing to comply with any rule made under section fifteen, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees, and every such fine shall when recovered be applied for the purposes of this Act in the District where it is imposed.

V.—VILLAGE WATCHMEN.

18. Every person authorized to nominate a person to the office of village watchman shall, within fifteen days after the occurrence of a vacancy in the office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the District.

The person so nominated shall, after due enquiry into his age, character and ability, be appointed or rejected by such Magistrate, in his discretion, or by some officer authorized by him in that behalf.

19. In default of such nomination within the said fifteen days, the Magistrate of the District shall appoint such person as he thinks fit to the vacant

If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate a person to the office of village watchman shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made but the nominee is rejected, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

20. Any village watchman appointed under this Act shall be liable to perform within the limits of his village, and in addition to his other duties, all or any of the duties imposed on Police officers by Act No. V of 1861 (*for the regulation of Police*); and for any neglect or disobedience in his official capacity, he shall be liable to the penalties which he would have incurred had he been a Police officer subject to the provisions of that Act and guilty of neglect or disobedience as the case might be.

VI.—MISCELLANEOUS.

21. The Local Government may, from time to time, make rules, consistent with this Act, for the guidance of officers in all matters connected with its enforcement.

All such rules shall be published in the local official Gazette.

22. The Lieutenant Governor of the North-Western Provinces and the Lieutenant Governor of the Panjáb may respectively, by notification in the local Gazette, extend this Act to any part of the territories for the time being under their respective governments; and the Governor General of India in Council may, by notification in the *Gazette of India*, extend this Act to any province for the time being under the immediate administration of the Government of India:

Provided that this Act shall have no operation in any village to which Act No. XX of 1856 (*to make better provision for the appointment and maintenance of Police Chaudhars in cities, towns, stations, suburbs and bázars in the Presidency of Fort William in Bengal*), or Act No. VI of 1868 (*to make better provision for the appointment of municipal Committees in the North-Western Provinces, and for other purposes*), or any other special Municipal law shall have been extended, so long as such Act or law continues in force in such village.

23. From the date of any such extension of this Act, so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with any provision of this Act, shall cease to have effect therein.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.

HOME DEPARTMENT.

NOTIFICATIONS.

Public.

Fort William, the 15th February 1869.

No. 860.

His Excellency the Governor General in Council is pleased to appoint Surgeon John Jones, M. D., to the joint medical charge of Simla, *vice* Dr. Duka.

No. 862.

Mr. D. G. Barkley, of the Bengal Civil Service, has been granted furlough for nine months from the date on which he embarked for Europe.

The 17th February 1869.

No. 923.

Mr. W. Abbey, Civil Surgeon of Mergui, obtained preparatory leave for one month, from the 17th December 1868, to enable him to proceed to Calcutta to appear before a Medical Board with a view to obtaining leave to Europe on medical certificate.

The 19th February 1869.

No. 946.

The under-mentioned Specifications of Inventions have been filed, under the provisions of Act XV of 1859, in the Office of the Secretary to the Government of India in the Home Department. Copies have been sent to one of the Secretaries to each of the Governments of Bengal, Fort St. George, Bombay, and the North-Western Provinces. A copy of every Specification is open, at all reasonable hours, at the Office of the Secretary to the Government of India in the Home Department at the Presidency to public inspection upon payment of a fee of one rupee. A certified copy of any Specification will be given to any person requiring the same on payment of the expense of copying:—

No. 401.—Mr. A. F. Osler, of Birmingham, in the county of Warwick, England, for improvements in lamps for burning hydro-carbon oils.

No. 406.—Mr. T. Rose, of Oxtou, in the county of Chester, England, Iron Founder, and Mr. R. E. Gibson, of New Brighton, in the same county, Merchant, for an improved mode of treating cotton seed to obtain oil therefrom, and in machinery employed therein.

No. 408.—Mr. R. J. Morison, of 2, Great Saint Helens, Bishopgate Street, City of London, Merchant, for improvements in cotton gins.

No. 411.—Mr. Daniel West, of 69, Euston Square, in the county of Middlesex, England, Civil Engineer, for an improvement in presses.

No. 947.

Mr. C. S. Hogg, Administrator General of Bengal, has been granted by Her Majesty's Secretary of State for India an extension of six months' leave on medical certificate.

Judicial.*The 15th February 1869.*

No. 245.

The Viceroy and Governor General in Council is pleased to confer on the Resident at Hyderabad the powers of a Local Government, as described in Section 54 of Act XXV of 1861.

The 17th February 1869.

No. 260.

Mr. A. Drysdale, Assistant Conservator of Forests in Berar, is invested with the powers of a Subordinate Magistrate of the 2nd Class, described in Chapter II, Section 22, of Act XXV of 1861, to be exercised within the limits of his Forest Division.

The 19th February 1869.

No. 269.

Under instructions from the Right Hon'ble the Secretary of State for India, the Hon'ble the Chief Justice of the High Court of Judicature at Fort William in Bengal has, with the approval of the Government of India, appointed the under-mentioned gentlemen to be Commissioners in England for the purpose of taking, under the law in force in British India, the acknowledgments of married women of deeds to be executed by them in respect of property situate in the territories in the possession of and under the government of the Government of India:—

Mr. John Nesbitt Malleson, of Austin Friars.

Mr. Alfred Atkinson Pollock, of Lincoln's-inn-fields.

Mr. Edward Frederick Burton, of the firm of Chilton, Burton, Yeates, and Hart, of Chancery Lane.

Mr. Charles Wilkin, of No. 10, Token House Yard, London.

Mr. Joseph Spencer Judge, of 44, Parliament Street, Westminster.

Education.*The 16th February 1869.*

No. 93.

Under Section 12 of Act II of 1857, the Governor General in Council is pleased to authorize the affiliation in Arts of the "Bishop Cotton's School" at Mussoorie to the Calcutta University, with effect from the 1st of January 1869.

No. 95.

Under Section 12 of Act II of 1857, the Governor General in Council is pleased to authorize the affiliation in Arts and Law of the Chittagong School to the Calcutta University, with effect from the 1st of January 1869.

The 19th February 1869.

No. 103.

The Reverend James Aitken is appointed temporarily to be an Inspector of Schools in Berar.

No. 108.

Mr. J. Platts, Officiating Inspector of Schools in the Central Provinces, Northern Circle, is confirmed in his appointment, with effect from the 12th October 1868.

E. C. BAYLEY,

*Secy. to the Govt. of India.***FOREIGN DEPARTMENT.****NOTIFICATIONS.****Judicial.***Fort William, 18th February 1869.*

No. 29.

The Viceroy and Governor General in Council is pleased to declare that all criminal cases committed from the Court of the Cantonment Magistrate at Secunderabad and from the Court of the Superintendent of the Hyderabad Residency Bazars shall in future be tried and determined by the 1st Assistant Resident at Hyderabad, who will, in respect of such commitments, exercise the powers of a Sessions Judge.

His Excellency in Council is further pleased to declare that all appeals from the decisions of the 1st Assistant Resident in such cases shall be heard and determined by the Resident at Hyderabad.

No. 32.

His Excellency the Viceroy and Governor General in Council is pleased to apply the provisions of Act X of 1865 (The Indian Succession Act) to the Hyderabad Assigned Districts.

By virtue of the authority vested in him by Section 332 of the aforesaid Act, His Excellency in Council is pleased to exempt from the operation of the Act Native Christians of every denomination whatsoever residing in the Hyderabad Assigned Districts.

Military.*The 18th February 1869.*

No. 27.

LEAVE.—Major C. James, Commanding 2nd Regiment, Central India Horse, is granted privilege leave of absence for 20 days from the 20th instant.

No. 29.

LEAVE.—The privilege leave granted to Lieutenant J. Colledge, of the 2nd Regiment, Central India Horse, in Notification No. 12, dated 20th ultimo, will have effect from such date after the 10th instant as he may avail himself of it.

General.

The 18th February 1869.

No. 291.

LEAVE.—Lieutenant Colonel J. W. Willoughby Osborne, C. B., Political Agent in Bhopal, availed himself, on the 2nd instant, of the privilege leave granted him in Notification No. 78, dated 12th ultimo, having previously made over charge of his office to Lieutenant Colonel R. Ouseley, Officiating Commandant of the Bhopal Battalion.

No. 293.

LEAVE.—Tajooddeen Hoossain, an Assistant Commissioner of the 3rd Class in the Hyderabad Assigned Districts, has been granted leave of absence on private affairs for one week, with effect from the 12th November last.

No. 295.

LEAVE.—Lieutenant E. Gibson, of the 1st Regiment, Central India Horse, and who was employed as Boundary Settlement Officer in Bundelcund, is granted preparatory leave of absence for 20 days for the purpose of appearing before a Medical Board at Calcutta.

No. 297.

LEAVE.—Shaik Mungloo, a Native Doctor of the 1st Class, attached to the Telegraph Department in Arracan, is granted leave of absence on urgent private affairs for six months, with effect from the date on which he may be relieved from his duties.

No. 298.

APPOINTMENT.—Mirza Elahee Buksh, a Native Doctor of the 1st Class, to officiate for 1st Class Native Doctor Shaik Mungloo attached to the Telegraph Department in Arracan as a temporary arrangement.

No. 305.

APPOINTMENT.—Captain W. Kincaid, Assistant Political Agent in Bundelcund and Cantonment Magistrate of Nowgong, to officiate as 2nd in Command of the Malwa Bheel Corps and Deputy Bheel Agent and Political Assistant, *vice* Captain Cadell.

The 19th February 1869.

No. 307.

APPOINTMENT.—Captain E. Temple, Boundary Settlement Officer in Bhopal, to officiate as Political Assistant in Bundelcund and Cantonment Magistrate of Nowgong, *vice* Captain W. Kincaid.

No. 310.

LEAVE.—The preparatory leave of absence for one month granted to Major W. H. Beynon, Political Agent at Jeypore, in Notification No. 24, dated 7th ultimo, is hereby cancelled at his own request.

W. S. SETON-KARR,
Secy. to the Govt. of India.

FINANCIAL DEPARTMENT.

NOTIFICATIONS.

Port William, the 13th February 1869.

No. 1073.

From—G. H. M. BATTEN, Esq., Under Secy. to the Govt. of India, FINANCIAL DEPT.,

To—The Comptroller General of Accounts.

I am directed to acknowledge the receipt of the letter from the Officiating Examiner of Claims, Calcutta, No. ^E ~~1073~~, dated the 3rd instant, and in reply to state that the rule laid down in the order of this Department, No. 3439, dated the 8th December last, "that when an Officer holding an acting appointment is transferred to another appointment of not inferior emolument, he shall continue to draw his acting allowances during the time spent in joining the new appointment," is applicable to Military Officers in Civil employ.

ORDERED, that the foregoing letter be published in the *Gazette of India*, and that copies thereof be forwarded to the Foreign and Home Departments; the Governments of Bengal, Madras, Bombay, the North-Western Provinces, and the Punjab; the Director General of the Post Office of India; the Mint Master, Calcutta; the Accountants General in Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah; and the Deputy Accountants General in the Central Provinces, Hyderabad, and Mysore.

The 15th February 1869.

No. 1077.

The services of Mr. C. J. Brown, Collector of Customs at Akyab, are placed at the disposal of the Government of Bengal.

The 13th February 1869.

No. 1080.

His Excellency the Governor General in Council is pleased to suspend, until the 1st January 1869, the operation, in the Lower Provinces of Bengal, of that portion of Financial Notification No. 2778, dated the 29th April 1868, which prescribed the use of bi-color stamp paper, consisting of blue and black colors, for documents enumerated in Schedule A of Act X of 1862, other than those for which adhesive stamps have been prescribed, and to authorize the employment up to that date for the documents under Schedule A above referred to of the bi-color stamp (red and black) which in the Notification of April last was intended solely for the documents enumerated in Schedule B of Act XXVI of 1867.

The 17th February 1869.

No. 1083.

Surgeon Major J. F. Shekleton, A. B., M. B., Assay Master of the Calcutta Mint, on furlough was left by the pilot at sea on the 3rd instant.

The 17th February 1869.

No. 1090.

Statement of the Amount of Government Currency Notes in circulation, of the Amount of Coin and Bullion Reserve, and Government Securities held by the Department of Issue of Paper Currency.

Date.	Circles of Issue.	Balance of Issue Account.	Retired by other Offices of Issue.	Currency Notes in Circulation.	Silver Coin Reserve.	Silver Bullion Reserve.	Gold Bullion and Coin Reserve.	Reserve in Government Securities.	TOTAL RESERVE.
		Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
31st Jan'y. 1869.	Calcutta	4,28,94,620	4,44,550	4,24,50,070	1,48,17,705	71,61,718	1,48,166	1,95,40,351	4,16,67,920
"	Madras	61,85,910	...	61,85,910	29,02,186	...	...	27,25,404	50,30,500
"	Bombay	4,17,74,500	18,340	4,17,56,160	1,89,03,560	77,00,000	...	1,97,52,060	4,03,58,620
"	Allahabad	46,85,250	11,22,810	35,62,440	32,43,399	...	...	11,03,291	42,46,000
"	Lahore	24,61,210	69,810	23,61,400	10,55,583	...	...	7,00,037	23,55,020
"	Calicut	8,57,260	1,12,790	7,44,470	7,57,201	...	...	1,00,059	8,57,260
"	Trichinopoly	6,31,600	3,79,910	2,51,690	5,31,541	...	...	1,00,059	6,31,600
"	Vizagapatam	6,07,050	62,620	5,44,430	5,06,991	...	...	1,00,063	6,07,050
"	Nagpore	19,16,720	8,870	19,07,850	13,66,398	...	...	5,47,802	19,14,700
"	Kurrachee	34,10,460	14,12,850	19,97,610	28,94,034	...	...	5,00,106	33,94,140
"	Akola	2,58,540	330	2,58,210	2,58,540	...	...	...	2,58,540
	TOTAL	10,56,83,120	36,62,970	10,20,20,150	4,78,37,138	1,48,61,718	1,48,166	3,01,73,228	10,20,20,150

CALCUTTA;
COMM. OF ISSUE OF PAPER CURRENCY,
The 4th February 1869.

H. HYDE, *Lieut. Colonel,*
Head Commissioner.

The 18th February 1869.

No. 1092.

Read the following despatches:—

From the Government of India, to the Right Hon'ble the Secretary of State for India, No. 287, dated the 26th October 1868. (Copy.)

From the Right Hon'ble the Secretary of State for India, to the Government of India, No. 2, dated the 6th ultimo. (Copy.)

No. 287, dated 26th October, 1868.

From—The Government of India,
To—The Secy. of State for India.

From an examination of the several statements which have been furnished to us regarding Covenanted Civil Servants at present on leave in England, and of other cases brought to our notice, a hardship in the new Leave Rules has come to light.

2. Under the old rules, one year's leave on medical certificate not only counted as service and residence for pension, but was so counted as qualifying for furlough. For instance, an officer who had served and resided for nine years, and

who had also taken one year's leave on medical certificate, was credited with ten years' service and residence, and was entitled to three years' furlough. All officers, therefore, who took leave on medical certificate under the old rules did so in the full assurance that one year of such leave counted as service and residence, not only towards pension, but as qualifying for furlough.

3. Under the new rules, so far as residence for pension is concerned, compensation has been made for the abolition of the above rule, by shortening the period of residence for pension by one year. But in regard to the qualification for furlough, such compensation has been made. Under the old rules, all leave taken under medical certificate, even under the old rules, is not only not allowed to count as service and residence, but is deducted from the amount of furlough earned by the prescribed period of service. For example, an officer of nine years' actual service and residence, who has in addition taken one year's leave on medical certificate, instead of being entitled to three years' furlough, is entitled to only one year's furlough, and must serve two years more before he is entitled to two years' furlough. Similarly, an officer who had

pleted nine years' actual service, and had besides taken two years' leave under medical certificate, instead of being entitled, as he was under the old rules, to three years' furlough, must, under the new, serve three years more before he can get any furlough at all. There is no doubt that the new rule has caused great disappointment owing to this retrospective effect being given to it.

4. Without advocating the maintenance of the old rule, which allowed one year's leave on medical certificate to count as service and residence, both for furlough and pension, it would appear but fair to rule that, in the case of officers who have under the old rules taken leave on medical certificate, one year of such leave should not be debited against any furlough which might otherwise be due under the new rules, although it should still remain as part of the total of six years, which is the maximum amount of furlough that can be taken in the whole course of service. If this were allowed, the rule that furlough should not be renewed until three years from the termination of previous furlough of more than three months' duration, would not thereby be altered.

5. It has also been represented that some of the hardship which the new rules inflict on officers who have by taking leave under the old rules used up all the leave to their credit, might be mitigated by a slight alteration of the rule by which furlough is placed to credit. Instead of one year's furlough being credited after every four years' actual service, it is desired that for each period of actual service a proportionate amount of furlough at the above rate may be placed at credit; for instance, that three months' furlough may be credited after each year's actual service. The rules and restrictions under which furlough may be taken when at credit would not be altered.

6. When officers took furlough under the old rules, they could not foresee what would be the effect under the new rules. For example, an officer who lately took three years' furlough under the old rules, and has no more at credit, now finds that if in the course of three years from his return he falls sick, he must lose his appointment, and be reduced to subsistence allowance, although his furlough allowances under the old rules were only £500 per annum, while under the new they might have been £1,200 per annum. Under the old rules he could have taken immediately after his return, if he had fallen sick, fifteen months' leave, extendable to twenty, on half pay up to £1,000 a year, keeping his appointment, which leave might have been extended to three years with loss of appointment, and an allowance of £500 per annum for the last sixteen months.

7. The suggested alteration is not one of principle, and it will not give any one a day's more leave than the rules as they stand. It is a mere question of detail as to the method of bringing furlough to credit.

8. It may be noticed in regard to the first point that, in the case of Military Officers, whatever leave was taken under the old rules on medical certificate is not debited against furlough otherwise at credit,—*vide* example (2) to Rule XXIV of the Military Leave Rules.

9. The second concession is not so much reserved by Military Officers, as, in addition to the leave which Civilian can get, they are able to obtain general leave under Chapter II, retaining their appointments and drawing half pay.

10. On these grounds, we ask your sanction to the issue of the following orders:—

I.—“A Covenanted Civil Servant who has taken leave on medical certificate under leave rules prior to those of 1868, shall not be debited with such leave, up to the limit of one year, against furlough which would otherwise be at his credit. All such leave shall, however, be included in the maximum amount of six years fixed in Rule II of the Rules of 1868.

II.—“For Rule III of the Leave Rules of 1868, the following rule is substituted:—

“Subject to the above limit, furlough shall be placed to the credit of each officer at the proportional rate of one year's furlough for every four years of actual service.”

No. 2, dated 6th January 1869.

From—The Secretary of State for India,
To—The Government of India.

I have considered in Council your Financial letter dated the 26th October last, No. 287, requesting sanction to the issue of the following orders:—

First.—“A Covenanted Civil Servant who has taken leave on medical certificate under leave rules prior to those of 1868, shall not be debited with such leave, up to the limit of one year, against furlough which would otherwise be at his credit. All such leave shall, however, be included in the maximum amount of six years fixed in Rule II of the Rules of 1868.

Second.—“For Rule III of the Leave Rules of 1868, the following rule is substituted:—

“Subject to the above limit, furlough shall be placed to the credit of each officer at the proportional rate of one year's furlough for every four years of actual service.”

2. The issue of the orders proposed is sanctioned.

RESOLUTION.—The following is an illustration of the rules which have been sanctioned by the Secretary of State:—

A. has completed an actual service of 21 years 2 months and 10 days. He has had 15 months' sick leave under old rules and 3 years' furlough. A. has secured by his actual service 5 years 3 months and 17 days' furlough. Against this must be debited 3 years' furlough and 3 months of the 15 months' sick leave, leaving at A.'s credit 2 years and 17 days' furlough. But as this added to the 3 years' furlough and 15 months' sick leave already taken would exceed the aggregate of 6 years by 5 months and 17 days, the excess must be deducted, leaving at A.'s credit 1 year and 9 months' furlough.

2. In this illustration sick leave does not include leave within Indian limits, under the rules of May 1843, which leave has been declared, in a Resolution, No. 3477, passed in this Department on the 5th November 1868, to be actual service.

ORDERED, that the foregoing Despatches and Resolution be published in the *Gazette of India*.

and that copies thereof be forwarded to the Foreign and Home Departments, and the Governments of Bengal, Madras, Bombay, the North-Western Provinces, and the Punjab; Comptroller General of Accounts; Director General of the Post Office of India; Accountants General in Bengal, Madras, Bombay, the North-Western Provinces, the Punjab, and British Burmah; Deputy Accountants General in the Central Provinces, Hyderabad, and Mysore.

No. 1163.

Mr. B. L. Forbes received charge of the Office of Assistant to the Deputy Commissioner of Paper Currency, Lahore Circle, from Mr. C. R. Hawkins on the afternoon of the 1st instant.

The 19th February 1869.

No. 1166.

His Excellency the Governor General in Council is pleased to suspend until the 1st January 1869 the operation in the Province of Oudh of that portion of Financial Notification No. 2778, dated the 29th April 1868, which prescribed the use of bi-color stamp paper consisting of blue and black colors for documents enumerated in Schedule A of Act X of 1862 other than those for which adhesive stamps have been prescribed, and to authorize the employment up to that date for the documents under Schedule A above referred to of the bi-color stamps (red and blue) which in the Notification of April last was intended solely for the documents enumerated in Schedule B of Act XXVI of 1867.

No. 1174.

The following Resolution is published for general information:—

Read the under-mentioned papers:—

Financial Resolution No. 414, dated 19th ultimo, cancelling Financial Resolution No. 804, dated 26th February 1866, which ruled that Chaplains, like Military Officers in civil employ, will be allowed a free passage "when, being employed at a station beyond sea, they may be obliged to return to their Presidency, in progress to a hill station on leave on medical certificate, and also when they join their station on return from that leave."

Letter from the Accountant General, Bombay, No. 3127 A, dated 8th instant, enquiring from what date the cancellation is to take effect.

RESOLUTION.—The cancellation of the Resolution No. 804 of the 26th February 1866, takes effect from the 19th ultimo.

No. 1174 A.

Mr. W. Clerk received charge of the Office of Deputy Accountant General, Bengal, from Mr. J. E. Cooke on the afternoon of the 17th instant.

R. B. CHAPMAN,

Offg. Secy. to the Govt. of India.

MILITARY DEPARTMENT.

Fort William, the 12th February 1869.

No. 183 of 1869.—The services of Assistant Surgeon H. C. Cutcliffe are placed temporarily at the disposal of the Government of Bengal.

The 15th February 1869.

No. 184 of 1869.—ADDENDUM.—To Clause V of Government General Order No. 1064, dated 10th November 1868, publishing the new Military Furlough Rules, after the words "But an Officer on Civil employ and drawing consolidated salary will be allowed 50 per cent. of the average salary drawn by him for three years prior to his proceeding on furlough," add the words "In the case of an Officer who may be granted furlough on medical certificate before he has completed three years' actual service in India, the average will be taken of the salary drawn during the period of his actual service. In every case the time spent and the allowances drawn during any leave under Chapter II will be omitted in the calculation of average salary."

Order Books to be corrected accordingly.

No. 185 of 1869.—ERRATA.—In the Statements of conditions on which the increased rates of pay are admissible to Paymasters, published in Government General Order No. 969 of the 15th October 1868, the following corrections are made:—

In condition B, for "including not less than 5 years as Paymaster in receipt of the pay, whether in or out of India," read "including not less than 5 years as Paymaster in receipt of the second rate of pay, whether in or out of India."

In condition C, for "after 15 years' service as Paymaster, or after 20 years' service as Commissioned and Non-Commissioned Officer on full pay, &c., &c.," read "after 15 years' service as Paymaster, or after 20 years' service as a Commissioned Officer on full pay, &c., &c."

2. In those cases where the higher allowance has been passed, it will be discontinued from the date of this order, but no recoveries will be made for any over-issue of pay under the original wording.

Order Books to be corrected accordingly.

No. 186 of 1869.—In order to prevent any misapprehension as to the intention of the Government of India and the Right Hon'ble the Secretary of State as expressed in Government General Order No. 897, dated 25th October 1868, the Right Hon'ble the Governor General in Council is pleased to notify that, as the main object in view in permitting an Adjutant of a Native Regiment to retain that appointment after his promotion to the rank of Captain, if specially recommended, was to secure to the Corps the continued benefit of his experience and knowledge of the men, the appointment must be vacated by an Officer so situated if he proceeds on furlough, whether in or out of India.

No. 187 of 1869.—His Excellency the Governor General in Council is pleased to promote Bessaldar Major Punjab Singh "Bahadoor," of the 2nd Regiment Central India Horse, from the 2nd to the 1st Class of the Order of British India, with the title of "Sirdar Bahadoor," to fill an existing vacancy.

No. 188 of 1869.—Under instructions from the Right Hon'ble the Secretary of State for India, it is notified that the advances of money to Officers for building purposes, granted under Government General Order No. 985 of 1867, will in future be issued in each case by instalments, instead of in one sum, as at present; one-third of the amount will be granted when the advance is sanctioned, one-third when it has been certified by the Executive Engineer or Commanding Officer of the Station that the house is half finished, and the remaining third when it has been completed.

Officers who have received advances, and who may proceed on furlough, will, if the house has been finished or half finished, be liable, while absent from India, to only half the periodical deductions from their pay which are required from them while present in this country.

No. 189 of 1869.—The Right Hon'ble the Governor General in Council is pleased to sanction the following appointment:—

1st Punjab Volunteer Rifle Corps and Punjab Light Horse (Volunteers).

Lieutenant Colonel H. W. H. Cox to be Commandant, in succession to the late Mr. A. A. Roberts, C. B., C. S. I.

The 16th February 1869.

No. 190 of 1869.—The under-mentioned Officer is permitted to proceed to Europe on leave of absence on sick certificate:—

Lieutenant Colonel Charles Douglas Newmarch, of the Royal Engineers, Superintending Engineer, Department of Public Works.	For 20 months, under the Regulations of 1854.
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No. 191 of 1869.—The following order issued by the Resident at Hyderabad is confirmed:—

No. 25, dated 1st February 1869.—Confirming, as a provisional measure, the Regimental Order issued to the 3rd Infantry Hyderabad Contingent, dated the 19th January 1869, directing Major J. P. Peoler, 2nd in Command, to officiate as Commandant, and Lieutenant M. P. Mortarty, Adjutant, to officiate in addition as 2nd in Command, consequent on the departure to Bombay, on medical certificate, of Lieutenant Colonel Prescott.

No. 192 of 1869.—With reference to paragraph of the Despatch from the Right Hon'ble the Secretary of State for India, published in Government General Order No. 897, dated 25th October 1868, and to Standing Order by His Excellency the Commander-in-Chief, No. 259 of 1866, Captain G. Stewart, of the Bengal Staff Corps, who

was promoted to the rank of Captain from the 20th September last, is permitted to retain his appointment of Adjutant of the 1st Cavalry, Punjab Frontier Force.

No. 193 of 1869.—The following Notification from the Home Department, laying down rules for the admission to the Staff Corps from the Survey Department, is published for general information:—

**Revenue.
(Geographical.)**

The 9th February 1869.

No. 49.

The following Rules have been passed by the Governor General in Council and are published for general information:—

Rules for admission to the Staff Corps from the Survey Department.

I.—The period of probation will be one year. If in any case strong special reasons render an extension of this term expedient, application should be made through the Surveyor General, or the Head of the Department in which the probationer is serving, in full time to permit of orders being passed before the period of probation expires.

II.—Every candidate will be required to furnish the certificates of which forms are given below, signed by his Commanding Officer and the Surgeon of his Regiment or Corps respectively.

III.—There will be distinct examinations, both preliminary and final, for the Topographical and Revenue Surveys (including the topographical branch of the Trigonometrical Survey), and for the Great Trigonometrical Survey.

IV.—For the Topographical and Revenue Surveys, the preliminary examination will embrace the following subjects:—

- 1.—Arithmetic, including involution and evolution, arithmetical and geometrical progression, proportion or rule-of-three, vulgar and decimal fractions, logarithmic calculations, and mensuration of surfaces.
- 2.—Elementary geometry, first four books of Euclid.
- 3.—Algebra, as far as quadratic equations, inclusive.
- 4.—Elements of plane trigonometry.
- 5.—Topographical, mechanical, or civil drawing, to be executed in the presence of examiners.

V.—Artillery Officers, and Officers holding certificates of qualification granted at the Institutions of Addiscombe and Woolwich, or the Staff College, or Civil Engineering Colleges, or who may have passed an examination in surveying according to the army standard, will be exempted from undergoing any preliminary examination, and will, on being nominated, at once enter as probationers, and be attached to Survey Parties, to learn their practical duties in the field and during the recess.

VI.—The final examination for the Topographical and Revenue Surveys, to be held at the close of the period of probation, will comprise—

- 1.—The satisfactory execution, unassisted, of a small area of country including the computation and entire mapping involved in the same.

2.—Perfect use and knowledge of all the instruments employed in the Department and adjustment of the same.

3.—The elements of natural astronomy, sufficient for ascertaining time, azimuth, and latitude.

4.—A fair knowledge of all rules in force, for the general conduct of the Survey Establishments, in the Department to which the probationer is attached.

Each candidate will also be required to produce a certificate of having passed an examination by the higher standard in any vernacular languages prescribed by the Government under which the probationer is employed.

VII.—The examinations for the Topographical and Revenue Surveys will be conducted by the Head of the Department in which the probationer is serving, aided by such professional Officers, to the number of two, as may be available. Whenever desirable, sealed examination questions may be transmitted, in view to their being answered by the probationer in the presence of the Officer in charge of the Survey Party to which he is attached, in lieu of obliging him to appear at departmental head quarters for the purpose of examination.

VIII.—For the geodesical branch of the Trigonometrical Survey, the preliminary examination will be theoretical only, comprising mathematics up to conic sections, and the principles of construction of instruments in common use. The final examination will be theoretical and practical, embracing analytical geometry of three dimensions, statics, dynamics, astronomy, the construction of the instruments of the Great Trigonometrical Survey, and a practical familiarity with their management. Candidates for the Staff Corps will also be required to produce a certificate of having passed an examination by the higher standard in any vernacular language prescribed by the Government under which the probationer is employed.

IX.—The examiners will be the Superintendent of the Great Trigonometrical Survey, with any two available Officers of the Department at his head quarters.

X.—The degree of proficiency attained by candidates will be ascertained in both branches of the Survey Department by written questions, the examination-papers being framed at departmental head quarters.

FORM OF CERTIFICATE REFERRED TO IN RULE II.

Certificate of Commanding Officer.

Certified that Lieutenant _____ of the _____ Regiment, _____ a candidate for the _____ Staff Corps, completed three years' duty with a Regiment on the _____ two years of which (or the whole period of which, as the case may be) were spent in India.

Lieutenant _____ has passed the examination in the Native languages which qualifies for Staff employment, and has attained such a knowledge of his drill and duty, as an Officer of Infantry (or Cavalry) in all its branches, as to qualify him for the command of a Company (or Troop) in all situations. He also possesses

fair knowledge of the Articles of War and of the Queen's Regulations, as well of the Military Regulations of the (Bengal, Madras or Bombay) Presidency, besides having gained some general acquaintance with the organization and nature of the duties of all branches of the Army serving in Bengal, Madras or Bombay.

I further certify that, during the period Lieutenant _____ has served with this Regiment, he has been attentive to his duty, and that his conduct has been in all respects unexceptionable.

Station and date _____ Commanding _____ Regiment.
Surgeon's Certificate.

I certify that, to the best of my belief, Lieutenant _____ is in good bodily health, has good eyesight, and is apparently well capable of undergoing the vicissitudes of service in India.

Station and date _____ Surgeon _____ Regiment.

No. 194 of 1869.—Lieutenant H. Rowland, of the late 63rd Native Infantry, who was appointed, on probation, as Sub-Assistant Commissary General, 3rd Class, by Government General Order No. 972 of the 11th October 1867, having passed the prescribed departmental tests, is permanently attached to the Army Commissariat Department.

The 17th February 1869.

No. 195 of 1869.—The under-mentioned Officer is allowed furlough to Europe (medical certificate):—

Captain James Colquhoun, of the Madras Staff Corps, attached to the 30th Regiment of Madras Native Infantry. } For two years, under the Regulations of 1868.

No. 196 of 1869.—The under-mentioned Officer was permitted to proceed to Europe on furlough on private affairs:—

2nd Captain Colin Campbell Scott Moncrieff, of the Royal Engineers. } For two years, under the Regulations of 1854, with effect from the 20th March 1867, the date of his departure from Bombay per Kaina.

No. 197 of 1869.—The under-mentioned Officer has reported his return from England:—

2nd Captain C. C. S. Moncrieff, of the Royal Engineers. } Date of arrival at Bombay, 14th Nov. 1868.

No. 198 of 1869.—The services of 2nd Captain C. C. S. Moncrieff, of the Royal Engineers, are placed at the disposal of the Public Works Department, with effect from the date on which he entered on the duties of the department.

The 18th February 1869.

No. 199 of 1869.—The following Military Letter from the Right Hon'ble the Secretary of State for India, No. 1, dated 6th January 1869, is published for general information:—

MILITARY.

No. 1.

INDIA OFFICE,

London, 6th January 1869.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—I have considered in Council your Excellency's letter dated the 10th of October 1868, No. 387, paragraph 1, submitting your proceedings, showing that you have determined that, under no circumstances whatever, shall the period of probation for the Staff Corps exceed a second twelve months.

2. The circumstances of the case, out of which the question thus decided has arisen, are as follows. —

Subaltern of the , on probation for the Staff Corps, from the 30th of August 1867; and, almost immediately afterwards, he obtained six months' leave of absence to Calcutta, from the 10th of October 1867 to the 10th of April 1868, to enable him to study the Native languages, as he had not passed the examination by the higher standard in Hindustani. On the 8th of April, he was granted an extension of three months for the same purpose, to the 10th of July.

3. In the mean time, your Excellency referred to the Secretary of State the question whether the period of probation in a Military appointment required to qualify an Officer for admission to the Staff Corps should include leave taken in India, and Sir Stafford Northcote decided that all leave, except privilege leave, should be excluded from the year's probation, but that the date of final admission to the Staff Corps need not be affected on that account.

4. At the conclusion of his nine months' leave of absence, having up to that time failed to pass the examination, applied to have his period of probation extended for six months; and the Commander-in-Chief pointed out that such an extension, making the period of probation 18 months, would, with the addition of his nine months' leave, be equivalent to a period of 27 months' probation in the case of this Officer.

5. Your Excellency thereupon directed that, if he did not pass the examination within two months (his twelve months' probation having nearly expired), he should be remanded to his regiment and struck off the list of probationers, and you determined that in no case should the period of probation exceed a second twelve months.

6. I quite concur in the action which your Excellency has taken in this matter. In permitting leave of absence to be excluded from the period of probation, it was obviously not contemplated by Sir Stafford Northcote that a case might occur in which leave would be granted for an express purpose of studying to pass the examinations, and that, by the exemption of this leave from the twelve months' probation, the period for qualifying might be considerably extended. Leave of absence, if granted to a probationer for the purpose of study, must be held to count as part of the year's probation.

7. It is evident that such a case can only occur when an exception is made to the general rule that an Officer must pass in the higher standard before he can be admitted as a probationer. In that event, however, it may be a question how long an Officer should be allowed, for purposes of study, to be absent from his regiment, where he has other duties of which he must have learnt the due performance before he can be qualified for the Staff Corps.

8. In approving of your Excellency's decision that a second period of twelve months' probation shall in no case be exceeded, I desire that, except under very special circumstances, the existing regulation shall not be departed from, namely, that the period of probation shall be limited to one year, at the end of which the candidate, if not qualified for admission to the Staff Corps, must be remanded to his regiment.

I have, &c.,

ARGYLL.

No. 200 of 1869.—The under-mentioned Officer is admitted to the Bengal Staff Corps, with effect from the date specified opposite to his name, subject to the confirmation of the Right Hon'ble the Secretary of State for India:—

Ensign James Graves Kelly, of the 94th Foot, 2nd Wing Subaltern, 18th (The Alipore) Regiment of Native Infantry.	} 30th August 1867.
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No. 201 of 1869.—Ensign J. G. Kelly, of the 94th Foot, 2nd Wing Subaltern, 18th (The Alipore) Regiment of Native Infantry, admitted to the Bengal Staff Corps in Government General Order No. 200 of this date, will rank as Lieutenant in that Corps, under the operation of paragraph 84 of Government General Order No. 332 of 1861, with effect from the 30th August 1867, subject to Her Majesty's approval.

No. 202 of 1869.—His Excellency the Governor General in Council is pleased to make the following appointment:—

Captain A. R. Loughnan, Staff Corps, Officiating Brigade Major, to be a Brigade Major on the Establishment, in succession to Major H. S. Cochrane, V. C., whose term of service on the Brigade Staff will expire on the 1st proximo.

The 19th February 1869.

No. 203 of 1869.—It having been decided that two Mountain Trains to be manned by Royal Artillery shall be maintained in the Bengal Presidency, the Right Hon'ble the Governor General in Council is pleased to sanction the under-noted establishments for each of these Batteries, subject to the approval of Her Majesty's Government as regards the complement of British soldiers assigned.

2. These Trains will consist of 6 Mountain Guns, a Garrison Battery raised to the requisite strength being attached to each.

3. The establishments now sanctioned for these Batteries will admit of their proceeding on service

with a light equipment at the shortest notice, and with this view a complement of baggage mules will be permanently maintained under the charge of the Officers Commanding the Batteries.

British Establishment.

1 Captain.	} Pay and Allowances as with a Field Battery.
1 Second Captain.	
3 Lieutenants.	
1 Assistant Surgeon.	
1 Serjeant Major.	
1 Quarter Master Serjeant.	
1 Farrier Serjeant.	
6 Serjeants.	
6 Corporals.	
6 Bombardiers.	
2 Trumpeters.	
72 Gunners.	

Drivers' Establishment.

3 Havildars of Drivers	Rs.	10 each.
3 Naicks of Drivers	"	8 "
112 Drivers	"	6 "

Command and Staff Allowance.

Battery Command Allowance.	} As with a Field Battery.
Hospital Serjeant.	
Pay Serjeant and Savings Bank Clerk.	
Horse Allowance.	
Mess Allowance.	

Educational Establishment. { As with a Field Battery.

Subordinate Medical and fixed Hospital Establishment.

1 Assistant Apothecary.	} As with a Field Battery.
1 Hospital Apprentice.	
1 Ditto Assistant.	
1 Compounder.	
1 Dresser.	
1 Shop-cooly.	
1 Steward's Servant.	
2 Bheesties.	
2 Sweepers.	
1 Sirdar Cooly.	
4 Ward Coolies.	
2 Washermen.	
2 Cooks.	
1 Mate Bearer.	
3 Dooly Bearers.	

Native Artificers and Followers.

1 Tindal	Rs. 8	} For Baggage Mules.
12 Store Lascars	5-12 each.	
1 Native Farrier.	9	
1 Salootrie	9	
4 Syces	5 each.	
22 Muleteers	5	
40 Jorawalla Grasscutters	8	

1 Mistry Smith.	} As with a Field Battery.
2 Filemen.	
1 Fireman.	
2 Hammermen.	
1 Mistry Carpenter.	
2 Carpenters.	
2 Moolchies.	
3 Puckallees.	
1 Bheestie.	
3 Sweepers.	

Bazar Establishment.

1 Mutsuddie.	} As with a Field Battery.
1 Weighman.	

Conservancy Establishment.

2 Bheesties.	} As with a Field Battery.
2 Sweepers.	
1 Bildar.	

Contract Allowance.

Allowance for repair of Arms and Accoutrements	Rs.	20	0	0
Allowance for Medicines and Stable requisites	"	20	0	0
Contingent Allowance for 6 Guns and Carriages, at Rs. 7-8 each	"	45	0	0
Ditto ditto for 1 spare carriage	"	5	0	0
Ditto ditto for repairs of 86 Ammunition and Store Boxes, leather, at 4 annas each	"	21	8	0
Ditto ditto for repair of Harness and Gear of 112 Battery Mules, at Rs. 2 each	"	224	0	0
Ditto ditto for repair of 4 Saddles, at Re. 1 each	"	4	0	0
Ditto ditto for shoeing 112 Battery Mules, at Re. 1 each	"	112	0	0
Ditto ditto for shoeing 4 Yaboo or Ponies, at Rs. 2 each	"	8	0	0
Ditto ditto for shoeing, gear and repair of Pack Saddles of 66 Baggage Mules, at Rs. 2 each	"	132	0	0
Ditto ditto for repair of 23 Lascars' Pals, at annas 12 each	"	17	4	0

4. The Right Hon'ble the Governor General in Council is also pleased to authorize a revised establishment and equipment for the Hazara and Peshawur Mountain Train Batteries of the Punjab Frontier Force.

5. The armament of each of these Batteries will consist of 4 Mountain Guns, with the following establishment:—

1 Commandant.	}	As at present.
2 Subalterns.		
1 Subadar.	{	According
1 Jemadar.		to class as at present.
1 Havildar Major	...	Rs. 20 0
1 Pay and Quarter Master		
Havildar	...	20 0
4 Havildars	...	16 each.
4 Naicks	...	12 "
2 Trumpeters	...	8 "
60 Gunners	...	8 "
2 Havildars of Drivers	...	10 "
4 Naicks of Drivers	...	8 "
85 Drivers	...	6 "
8 Muleteers	...	6 "
1 Farrier	...	9 "

Command, Staff, and Horse Allowance.

Commandant	...	Rs.	30	0	0
Ditto Horse Allowance	...	"	60	0	0
Subaltern Officer's Allowance	...	"	150	0	0
Medical Charge Allowance	...	"	50	0	0
Drill Naick	...	"	2	8	0

Educational Establishment.

1 Moonshee	...	Rs.	10	0	0
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Subordinate Medical and Fixed Hospital Establishment.

1 Hospital Assistant according to grade.	...	Rs.	6	0	0
1 Dresser	...	"	4	0	0
1 Bheestie	...	"	5	0	0
1 Cook	...	"	5	0	0
1 Sweeper	...	"	5	0	0
6 Dooly Bearers	...	"	5	each.	

Native Artificers and Followers.

1 Tindal	...	Rs.	10	0	0
2 Store Lascars	...	"	5	each.	
2 Puckallees	...	"	9	"	
1 Sweeper	...	"	4	0	0
4 Langrees	...	"	5	each.	
1 Salootrie	...	"	9	0	0
4 Syces	...	"	5	each.	
10 Grass-cutters	...	"	8	"	
1 Head Smith	...	"	12	0	0
1 Fileman	...	"	7	0	0
1 Fireman	...	"	7	0	0
1 Hammerman	...	"	6	0	0
1 Head Carpenter...	...	"	14	0	0
1 Carpenter	...	"	10	0	0
2 Moochies	...	"	7	each.	

Bazar Establishment.

1 Mutsaddie	...	Rs.	5	0	0
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Contract Allowance.

Allowance for Stationery and repair of arms	...	Rs.	20	0	0
Ditto for Medicines and Stable requisites	...	"	20	0	0
Contingent Allowance for 4 Guns and Carriages, at Rs. 7-8 each	...	"	30	0	0
Ditto ditto for spare Carriage	...	"	5	0	0
Ditto ditto for repair of 74 leather Ammunition and Store Boxes, at annas 4 each	...	"	18	8	0
Ditto ditto for the repair of Harness and Gear for 85 Mules, at Rs. 2 each	...	"	170	0	0
Ditto ditto for the repair of Saddles for 4 Yaboos, at Re. 1 each	...	"	4	0	0
Ditto ditto for shoeing 85 Mules, at Re. 1 each	...	"	85	0	0
Ditto ditto for 4 Yaboos, at Rs. 2 each	...	"	8	0	0
Ditto ditto for shoeing and gear, and repair of Pack Saddles for 4 Baggage Mules, at Rs. 2 each	...	"	48	0	0
Ditto ditto for repair of 12 Lascars' Pals, at annas 12 each	...	"	9	0	0

6. The following is the scale of mule carriage to be permanently maintained for European and Native Mountain Batteries:—

CATTLE.	PURPOSE FOR WHICH EMPLOYED.	R. A. BATTERY OF SIX GUNS.			NATIVE BATTERY OF FOUR GUNS.		
		Saddled.	Spurs.	TOTAL.	Saddled.	Spurs.	TOTAL.
HORSES OR YABOOS.	Outriders	4	...	4	4	...	4
ORDNANCE MULES.	Ordnance	12	6	18	8	4	12
	Carriages	12	6	18	8	4	12
	Wheels	12	6	18	8	4	12
	Ammunition	42	6	48	26	4	30
	Spare Carriages	2	...	2	2	...	2
	Wheels of spare Carriage	2	...	2	2	...	2
	Entrenching Tools	2	...	2	2	...	2
	Artificers' Tools	3	1	4	3	...	3
TOTAL		87	25	112	69	16	85
BAGGAGE MULES.	To Battery stores, half-wroughts, &c.	6	...	6	6	...	6
	Treasure Chest and Ghurry	1	...	1	1	...	1
	Veterinary Medicines	2	...	2	2	...	2
	Hospital Trunks	3	...	3	3	...	3
	Messes, or Cooking Pots for Natives	3	...	3	2	...	2
	Men's Kits*	36	...	36	10	...	10
	Tents†	15	...	15	...	...	...
TOTAL		66	...	66	24	...	24

No. 204 of 1869.—The following promotions are made from the dates specified under the operation of Government General Order No. 632 of the 4th August 1864, paragraph 69, subject to Her Majesty's approval:—

*BREVET.**To be Colonels.*

Lieutenant Colonel William Wilkinson Taylor, Bombay } 13th Feb. 1869.
Infantry.

Lieutenant Colonel Frederick Turner Wroughton, c. b., } 18th Feb. 1869.
Bengal Infantry.

No. 205 of 1869.—The under-mentioned Officers of the Bengal Staff Corps having completed 26 years' service, are promoted to the rank of Lieutenant Colonel, from the date specified, under the provisions of Government General Order No. 808 of the 26th September 1866, subject to Her Majesty's approval:—

Major William Henry Shadwell } 17th Feb. 1869.
Earle.
Major William Briggs.

No. 206 of 1869.—*Erratum*.—The promotion of Captain A. G. Ross, late 17th Native Infantry, (Staff Corps), published in Government General Order No. 173 of 1869, is in room of Captain R. G. Armstrong, *retired*, not deceased, and bears date the 29th, instead of the 30th October 1868, as therein stated.

No. 207 of 1869.—The following Military letter from the Right Hon'ble the Secretary of

* On ordinary occasions, one mule to four European and six Native fighting men, also one for each Native Officer, and one for every eight camp followers.

† Three to two tents.

State for India, No. 8, dated 13th January 1869, is published for general information:—

MILITARY.

INDIA OFFICE,

No. 8.

London, 13th January 1869.

To His Excellency the Right Hon'ble the Governor General of India in Council.

SIR,—Your despatch, dated 18th August 1868, No. 313, relates to the question whether the furlough regulations of 1868 shall be made applicable to the Warrant Officers, and to certain other questions connected with the pay and allowances of those Officers.

2. Having considered the suggestions made by you, I have decided—

1st.—That the furlough rules of 1868 shall apply to all Warrant Officers holding veteran or honorary commissions, the period of service qualifying for furlough being calculated from the date of the attainment of the commission. These Officers will receive, during furlough, half their total receipts, without any reference to a minimum or maximum rate.

2nd.—That Conductors and Sub-Conductors shall only be entitled to a furlough on sick certificate. The furlough will be for two years, and half of aggregate Indian allowances will be drawn during that period. Any leave on sick certificate, not exceeding one year, granted in extension of the two years, or leave taken within less than three years from date of last return to duty, will be on English furlough pay only.

3. I approve of the proposal that Warrant Officers appointed to act for those of a higher grade who may be on furlough, shall receive the half of the aggregate allowances of the absentees, added to half the aggregate of their own allowances.

4. I approve also of permanent Conductors, who have hitherto been in receipt of the old Staff salary of Rs. 75 a month, being still allowed to draw that amount.

5. Your letter has no reference to the Officers of the Subordinate Medical Department, but should your Government propose to include them, it is desirable that they should be expressly mentioned in the General Order which will be issued on the receipt of this despatch.

I have, &c.,

ARGYLL.

Under the authority conveyed in paragraph 5 of the foregoing letter, it is hereby notified that the provisions of the rules now notified will be equally applicable to Warrant Officers and those holding the honorary rank of Assistant Surgeons in the Subordinate Medical Department.

No. 208 of 1869.—Assistant Surgeon W. C. Smith, M. D., of the Medical Department, who was granted furlough to Europe on private affairs for two years under the Regulations of 1868, by Government General Order No. 115, dated 29th January 1869, will embark at Bombay.

No. 209 of 1869.—Surgeon T. P. Wright, of the Medical Department, Civil, Bhaugulpore, who

was granted furlough to Europe on private affairs for two years under the Regulations of 1868, by Government General Order No. 150, dated 5th February 1869, will embark at Calcutta instead of at Bombay, as previously notified.

No. 210 of 1869.—The under-mentioned Officer is allowed furlough to Europe (medical certificate):—

Lieutenant George Edmonds (Unattached). For two years, under the Regulations of 1868.

No. 211 of 1869.—The under-mentioned Officers are allowed furlough to Europe (medical certificate):—

Major John James Eckford, of the Bengal Staff Corps, District Superintendent of Police, North-Western Provinces. For two years, under the Regulations of 1868.

Captain William Raffles Tucker, of the Royal Engineers, Executive Engineer, 1st Grade, Department Public Works, Presidency Division. For twenty months, under the Regulations of 1868.

No. 212 of 1869.—The under-mentioned Officers are permitted to proceed to Europe on furlough on private affairs:—

Captain Willoughby Charles Stanley Clarke, of the Bengal Staff Corps, Deputy Commissioner, Seesaugor. For two years, under the Regulations of 1868.

Lieutenant Colonel (Brevet Colonel) Henry Hopkinson, of the Bengal Staff Corps, Agent to the Governor General and Commissioner of Assam. For two years, under the Regulations of 1868.

Lieutenant Colonel William Stirling Oliphant, of the Royal Engineers, Superintending Engineer, Public Works Department, British Burmah. For two years, under the Regulations of 1868, embarking at Bombay.

No. 213 of 1869.—The under-mentioned Officers have reported their departure on the dates specified opposite to their names:—

Lieutenant Colonel R. Unwin, of the Bengal Staff Corps, Government General Order No. 32 of 1869. "Bengal," February 1869, from Bombay.

Lieutenant C. H. Ewart, of the Bengal Staff Corps, Government General Order No. 92 of 1869. "Salisbury," February 1869.

No. 214 of 1869.—Senior Steward John Considine, of the Subordinate Medical Department, having been declared by a Medical Committee to be unfit for further active service, and having elected for transfer to the Pension Establishment, under the operation of paragraph 4 of Government General Order No. 550 of 1868, is granted the invalid pension of an Apothecary, *viz.*, Rs. 100 per mensem, with permission to reside and draw his stipend in India.

No. 215 of 1869.—Hospital Stewards Samuel Stuckey Hart, Thomas Prince, and Edward Grove Roderick, of the Subordinate Medical Department, having elected for transfer to the Pension Establishment under the operation of paragraph 4 of Government General Order No. 550 of 1868, are granted the first named the retiring pension and the two last named the invalid pay of their grade, with permission to reside and draw their stipends in India.

No. 216 of 1869.—The under-mentioned Regiments having arrived at Bombay in Her Majesty's Indian Troop Ship *Euphrates*, are brought on the Establishment of the Bengal Presidency from dates of landing :—

Her Majesty's 1st Battalion 14th Foot.
Her Majesty's 62nd Foot.

No. 217 of 1869.—The following General Order issued by the Government of Bombay is republished for general information :—

"No. 65, dated 27th January 1869.—All Officers having claims chargeable to the Abyssinian Expedition are directed to prefer them before the 28th February next."

With reference to the above order it is hereby notified that all officers or others in the Bengal Presidency having claims chargeable to the Expedition, should prefer them before the 31st March 1869.

No. 218 of 1869.—The following Extract from the *London Gazette* of the 5th January 1869, page 50, is published for general information :—

INDIA OFFICE,
4th January 1869.

Her Majesty has been pleased to approve of the following admissions to the Bengal Staff Corps made by the Government of India :—

To be Captain.

Captain C. Vanrenen Conway-Gordon, 79th Regiment, dated 3rd August 1860.

To be Lieutenants.

Lieutenant Charles Edward Salkeld, Royal (Bengal) Artillery, dated 8th June 1860.

Lieutenant Duncan George Pitcher, 21st Hussars, dated 10th April 1861.

Lieutenant James L. N. Willis, 107th Regiment, dated 11th June 1861.

Lieutenant Archibald Fullerton Cumberlege, Royal Artillery, dated 18th December 1861.

Lieutenant John Tulloch Whish, 103rd Regiment, dated 30th July 1862.

Lieutenant Arthur C. W. Crookshank, 35th Regiment, dated 3rd October 1862.

Lieutenant Charles William Burton, 12th Regiment, dated 18th August 1863.

Lieutenant William Wilmer, 90th Regiment, dated 3rd November 1863.

Lieutenant William Francis Trotter, 34th Regiment, dated 28th October 1864.

Lieutenant John George Montague DeLair Bean, 107th Regiment, dated 24th August 1865.

No. 219 of 1869.—His Excellency the Governor General of India has been pleased to make the following appointments with effect from the 30th January 1869 :—

Governor General's Body Guard.

Captain H. P. Peacock, 2nd in Command, to officiate as Commandant during the absence on furlough to Europe of Major Delane, or until further orders.

Lieutenant W. A. Lawrence, of the Bengal Staff Corps, Adjutant, to officiate as 2nd in Command, *vice* Captain Peacock.

H. W. NORMAN, Colonel,

Secy. to the Govt. of India.

MARINE DEPARTMENT.

NOTIFICATION.

Fort William, the 15th February 1869.

No. 2.

The leave of absence on medical certificate for one year to England, with the usual preparatory leave from the 10th instant, granted by the Chief Commissioner, British Burmah, to Captain H. Lewis, Master Attendant, Rangoon, and Superintendent of Lighthouses, British Burmah, in Notification No. 1, dated 3rd February 1869, is confirmed.

The 19th February 1869.

No. 3.

The following officiating appointments made* by the Chief Commissioner, British Burmah, with effect from the 10th February 1869, consequent on the departure of Captain H. Lewis on sick leave to England, are confirmed :—

Captain John Mack, to be Officiating Master Attendant, Rangoon, and Officiating Superintendent of Lighthouses, British Burmah.

Captain A. Bowers, R. N. R.; to be Officiating Deputy Master Attendant, Rangoon.

H. W. NORMAN, Colonel,

Secy. to the Govt. of India.

PUBLIC WORKS DEPARTMENT.

NOTIFICATIONS.

Establishment.

Fort William, the 13th February 1869.

No. 42.

Mr. W. F. Walker, temporary Overseer, 1st Grade, in the Central Provinces, is permanently appointed to the Public Works Department in that grade.

The 15th February 1869.

No. 43.

The transfer of Sergeant T. Greening, Overseer, 1st Grade, from the North-Western Provinces to Oudh (Notification No. 269, dated 19th October 1868), is cancelled, and Sergeant J. Kennedy, Overseer, 1st Grade, North-Western Provinces, is transferred instead.

No. 44.

Mr. A. Izat, Executive Engineer, 4th Grade, Hyderabad, is allowed one month's leave of absence on medical certificate, with effect from the 16th January 1869.

The 16th February 1869.

No. 45.

The under-mentioned Public Works Officers joined the Hazara Field Force, and returned to departmental duty on the dates specified below :—

NAMES.	DATE OF DEPARTURE TO JOIN THE HAZARA FIELD FORCE.	DATE OF RETURN TO DEPARTMENTAL DUTY.
Lieut. W. B. Holmes, Exe. Engr., 2nd Grade, Punjab.	14th Aug. 1868.	27th Oct. 1868.
Lieut. H. C. Boweroff, Exe. Engr., 4th Grade, Punjab.	1st Sept. "	15th Do. "
Lieut. W. Broadfoot, Exe. Engr., 4th Grade, Punjab.	18th Aug. "	22nd Do. "
Lieut. J. A. Armstrong, Asst. Engr., 1st Grade, Punjab.	13th Do. "	4th Nov. "

No. 46.

Captain W. R. Johnson, Madras Staff Corps, Executive Engineer, 1st Grade, Mysore, who was appointed to officiate as a Superintending Engineer, 2nd Class, 2nd Grade, for Irrigation Works in Mysore (Notification No. 17, dated 16th January 1869), will also officiate as Under Secretary to the Commissioner in the Public Works Department, Irrigation Branch.

No. 47.

Mr. J. Hopkins, Assistant Accountant General of the Public Works Department, is promoted from the rank of 2nd Grade to that of 1st Grade Controller of the 3rd Class, with effect from 1st January 1869.

The 17th February 1869.

No. 48.

Lieutenant Colonel J. Dawson, Staff Corps, Executive Engineer, 2nd Grade, is transferred from Bengal to Oudh.

No. 49.

Lieutenant C. S. Beauchamp, R. E., has been transferred from Bombay to the North-Western Provinces, for employment as Assistant Principal of the Thomason Civil Engineering College.

The 18th February 1869.

No. 50.

Baboo Muttu Lal Dey is appointed to the Public Works Department as an Engineer Apprentice, and posted to Oudh.

Revenue—Forests.

The 16th February 1869.

No. 2 F.

Mr. N. Daly, Assistant Conservator of Forests, 3rd Class, British Burmah, is promoted to the grade of Assistant Conservator, 2nd Class, with effect from 1st January 1869.

No. 3 F.

The services of Mr. G. W. Strettell, Assistant Forest Ranger in Sindh, having been placed by the Government of Bombay at the disposal of the Government of India, he is appointed to officiate as Deputy Conservator of Forests, Berar.

The 19th February 1869.

No. 4 F.

The subjoined rules have been sanctioned by the Right Hon'ble the Governor General in Council for the administration of forest and waste lands in the territories of His Highness the Maharajah of Mysore as herein defined, and are published for general information.

The lands to which the rules shall be applicable are—

1st.—All lands covered with trees, brushwood, grass or jungle, which are the property of Government, and which are not occupied by private individuals.

2nd.—All lands which are occupied by private individuals in which Government possesses certain rights with regard to trees, timber, or forest.

Classification of forests. 2. The forests are divisible into four classes :—

I.—State forests.

II.—Village forests.

III.—District forests.

IV.—Forests and other lands in the occupancy of private individuals, where Government possesses certain rights with regard to trees, timber, or forest.

Officers appointed for their administration. 3. The administration of these forests will be vested in the following officers in the manner hereinafter described :—

I.—The Conservator of Forests, his Assistants, and the subordinate Forest Officers.

II.—The Deputy Superintendents in charge of districts, and the subordinate Revenue Officers.

It will also be the duty of all Police Officers to watch over the observance of these rules, and to afford every assistance to the Forest Officers in the exercise of their duties.

Different classes of forests by whom controlled.

4. State forests are managed exclusively by the Conservator of Forests and his Assistants.

Village forests are managed by the Conservator of Forests and his Assistants, with the co-operation in certain matters of the Revenue Officers.

District forests are managed by the Revenue Officers, with the co-operation in certain matters of the Conservator of Forests and his Assistants. The supervision over kauns and forests in the occupancy of private individuals, in which Government possesses certain forest rights, is exercised by the Revenue Officers.

5. The boundaries of State forests will, wherever they do not run along a road or stream, or other well defined line, be demarcated by

State forests how demarcated.

cleared boundary paths and permanent boundary marks. Wherever practicable, the boundary lines of State forests and the boundary marks should be entered on maps which should be prepared in triplicate, one copy to be sent to the Conservator of Forests, one to remain with the Forest Officer in charge of the division, the other to be deposited in the office of the chief Revenue Officers of the districts.

In special cases the Commissioner may authorize the demarcation of State forests by natural boundaries, without cleared paths and without artificial boundary marks. In like manner, the Commissioner may dispense with the preparation of the map showing the boundary lines as here prescribed.

Proclamation of the formation of State forests and their boundaries will be publicly made in the talook where they are situated, and will be published in the provincial gazette.

In State forests no land to be alienated.

6. In State forests, no land shall be alienated or leased out without the orders of the Government of Mysore.

7. The State forests will be under the exclusive control of the officers of the Forest Department. Unauthorized felling, cutting, lopping,

State forests to be strictly preserved.

marking, or injuring of trees, shrubs, or bamboos, or the collection of leaves, grass, gums, resins, and other forest produce, the clearing of land for kumri cultivation, the setting fire to grass or jungle, the grazing of cattle, or any act that is likely to damage the forests, is prohibited and will be punished by fine not exceeding five hundred rupees, and in default of payment of such fine by imprisonment for such term as is provided in the 67th Section of the Indian Penal Code.

8. Existing roads or pathways through the State forests may be used as far as is compatible with the conservancy of the forests, but the

Trespass in State forests.

Conservator of Forests, with the concurrence of the Superintendent of the division, may close any existing roads or pathways through any State forest whenever he may deem it requisite to do so. Public notice of the closing of such a road shall be given in the talook or talooks where the forest is situated.

Ingress to the State forests, without permission, except on authorized roads or footpaths, is prohibited. Any one found off the authorized roads and footpaths in the forest without authority, and owners of cattle straying in the forests, will be liable to a fine not exceeding two hundred and fifty rupees, and in default of payment of such fine to imprisonment for such term as is prescribed in the 67th Section of the Indian Penal Code.

Cattle found straying in the forests may be pounded, and may be redeemed on payment of a sum of money according to a scale of rates to be laid down from time to time by the Commissioner of Mysore, and in default of payment of such sum of money within a reasonable time, the cattle shall be sold on account of Government. It shall be lawful for the officer selling such cattle to award a portion of the proceeds of such sale not exceeding one-half to any person on whose information such cattle was seized. All such fines to be credited to the Forest Department.

9. There will be a subordinate Forest Officer in charge of every State forest or part of a State forest. He must reside within or in the immediate vicinity of the forest. He must be acquainted with every part of it, and with whatever happens therein. He will be responsible for the maintenance of the boundary lines and boundary marks.

In cases of unauthorized felling and other breaches of the forest rules, he must immediately report the occurrence.

It will further be his duty by all means in his power to prevent the continuance or repetition of the acts constituting the breach. He will seize all wood or other forest produce unlawfully cut or removed, which he may find within the limits of the forest.

He will use every lawful means for the defence of the property entrusted to his charge.

He will be held responsible that no trees, except those marked by the Conservator or his Assistants, are felled.

10. The Commissioner may from time to time direct village forests to be formed from such portions of unarable waste and forest land as have not been included within State forests. The provisions regarding the demarcation and management of such forests will be the same as those laid down for the State forests, with such modifications as the Commissioner may from time to time direct.

11. All Government forests, which are not included in any State or village forest, will be called district forests.

District forests will be managed by the chief Revenue Officers of the district.

They will be in charge of the Shaikdars, with the assistance of such forest subordinates as may from time to time be appointed. Each Shaikdar will be responsible for the due protection of these forests, and it will be his duty immediately to report any breach of these rules to the Amildar of his talook, and generally to prevent all injury to the forests.

12. District forests will be subject to inspection and periodical report by the officers of the Forest Department. These officers may also undertake any operation connected with planting, cutting, thinning, or selling timber in these district forests which, in the opinion of the Conservator of Forests, may require their special attention.

13. No land in district forests shall be given away without previous inspection by, and the concurrence of, an officer of the Forest Department duly authorized to inspect and report upon such land, unless the plot of land applied for measures less than ten acres in extent, in which case it may be given away by the orders of the Superintendent of the division without reference to the Forest Department.

14. Within fifty yards of the banks, or within the catchment basin of any hill-stream, or within a radius of fifty yards from any spring, or within fifty yards of any road, no trees, shrubs, or bamboos, or jungle are to be cut in any district forest, except by the special direction of the Conservator of Forests. The forest is not to be burnt, and nothing is to be done that may in any way interfere with the growth of trees, brushwood, or bamboos in such places. In the case of roads, the Conservator may delegate his authority under this rule to the officer in charge of the road.

Whoever offends against the provisions of this rule will be liable to a fine not exceeding five hundred rupees, and in default of payment to imprisonment for such term as is prescribed by the 67th Section of the Indian Penal Code.

15. Kumri cultivation, whether in fresh forest or in old clearings, is prohibited in all district forests; special cases excepted in which it may be permitted by the Commissioner. Whoever shall without authority fell or burn forest for the purposes of kumri cultivation, will be liable to a fine not exceeding five hundred rupees; and in default of payment of such fine to such term of imprisonment as is prescribed by the 67th Section of the Indian Penal Code.

16. The following nine kinds of trees will be reserved, and may not be felled, cut, or lopped without the written authority of the Conservator or his Assistants:—

- 1.—Sandalwood—*Santalum album*.
- 2.—Teak—*Tectona grandis*.
- 3.—Blackwood—*Dalbergia latifolia*.
- 4.—Honay—*Pterocarpus marsupium*.
- 5.—Lac tree—Jhalari—*Vatica laccifera*.
- 6.—Nundi—*Lagerstromia microcarpa*.
- 7.—Wild Jack—Hesswa Heb Halosu—*Artocarpus hirsutus*.
- 8.—Poon—*Calophyllum elatum*.
- 9.—Karachi—Kammar—Arsina—*Hardwickia Binata*.

Sandalwood, teak and poon, will be sold by the orders of the Conservator and under special conditions. For the felling of Honay, Blackwood, Karachi, Hesswa and Nundi, the Assistant Conser-

vator of the range will grant licenses in form marked A at fixed rates, which will from time to time be determined and publicly notified by the Conservator with the Commissioner's sanction. Jhalari is not to be felled under any conditions, this tree being reserved for its produce—lac.

17. In district forests firewood is free to all, with such exceptions as will be hereafter noted, provided that none but unreserved mature trees and shrubs are cut. Dry sticks and branches of any kind lying in the forests may be taken. No reserved trees, whether saplings, stunted, or matured trees, may be felled or lopped for firewood.

In places where large quantities of firewood are cut for lime or brick burning, jaggery boiling, and other branches of industry, or for sale, the chief Revenue Officer of the district shall be at liberty, should he deem it necessary, to prohibit the cutting of wood within certain limits, except for the home use of the surrounding agricultural population; and he will make such arrangements for the supply of firewood for such purposes as may appear expedient. If requisite, the Superintendent of the division may, with the sanction of the Commissioner, fix rates of seignorage to be paid for firewood cut within certain limits by all, except the cultivating ryots of the neighbourhood.

18. In the district forests, the following articles of forest produce will be free to the cultivating ryot for his own use, but not for sale:—

- 1st.—Wood for agricultural implements and carts from unreserved trees only.
- 2nd.—Unreserved wood, thorns, and bamboos for fences, stack floors, and cattle pens.
- 3rd.—Leaves and branches of unreserved trees for manure and litter.
- 4th.—Grass for thatching.

Should the consumption of these articles in any locality be so large as to render such a measure necessary, the chief Revenue Officer of the district may prohibit the promiscuous cutting and collection of any or all these articles, and limit the quantity to be cut or collected annually by each cultivating ryot, and issue such orders regarding the localities where, and the season when, such articles may be cut and collected as may appear necessary.

19. Bamboos and wood of the unreserved kind for building may be cut by the cultivating ryot on licenses to be granted by the Shaikdar in form marked A. The license to set forth the place where the wood is to be cut, the quantity, the limit of time allowed, the amount of seignorage, and the name and residence of the applicant. The seignorage to be paid by the cultivating ryots for unreserved woods and bamboos will from time to time be determined and publicly notified by the Conservator with the Commissioner's sanction. Such wood or bamboos are given only for the *bond fide* use of the license holder, and not for sale.

Shaikdars are allowed to grant no more than ten cartloads of such timber or bamboos to any one ryot in one year. Should more wood or bamboos be required, the license must be obtained through

the Amildar of the talook, who will grant up to twenty cartloads. Licenses to fell more than twenty cartloads of wood or bamboos must be obtained from the chief Revenue Officer of the district.

A cartload of timber or bamboos shall be held to mean as much as one pair of bullocks can draw with ease in the common cart of the country. If more than two bullocks are attached to the cart, 30 per cent. of the value of the wood or bamboos shall be added for each pair of bullocks so attached.

A mudder cartload drawn by one pair of bullocks will be charged for at three-fourths of the rate laid down for a country cart. 30 per cent. on the price of the wood or bamboos to be charged for every additional pair of bullocks attached to the mudder cart. In the case of a ryot requiring wood in another shaikdari, he will obtain a license from his own Shaikdar, which will be endorsed by the Shaikdar in whose shaikdari the wood is to be cut.

No license will be granted until payment in full has been made; and all licenses will be receipted, and on the expiration of the limit allowed be returned by the holder to the Shaikdar, who will, once in six months, send all time-expired licenses to the Amildar of his talook.

The Commissioner may from time to time exempt certain talooks, or portion of talooks, from the operation of this rule, and permit unreserved wood and bamboos being taken free by the agricultural population for building their houses.

20. Whosoever without authority shall fell, lop, or mutilate any tree of the reserved kinds, or whosoever

Penalties.

shall cut or collect firewood, or other forest produce within prohibited limits, or whosoever shall sell any articles of forest produce given him free for his own use, or whosoever shall sell wood or bamboos given him at reduced rates for building, or who shall unlawfully cut, remove, or appropriate any wood, bamboos, or other forest produce, shall be liable to a fine not exceeding five hundred rupees, or in default of payment of such fine to such term of imprisonment as is prescribed by the 67th Section of the Indian Penal Code.

21. The right to graze cattle, and to collect gums, resin, lac, beeswax, and other minor forest produce in district forests, may be disposed of in such a manner as the Commissioner may from time to time direct.

Grazing of cattle and minor forest produce.

22. Charcoal-burners in district forests will be assigned localities in which to cut wood and make charcoal. The rates to be paid by them will be fixed from time to time by the Conservator. No reserved kinds of wood may be felled for making charcoal. Licenses for burning charcoal will be granted by the chief Revenue Officer of the district. This rule applies only to those who make charcoal for sale, and not to black-smiths and to smelters of iron, who make charcoal for use in their own forges or iron furnaces. Such people may cut wood of the unreserved kinds for charcoal for their own use, but not for sale, free of charge in the district forests.

Conditions under which charcoal may be made.

In special cases where it may appear necessary for the protection of the forest, the chief Revenue Officer of the district may require all charcoal-burners to take out licenses.

23. Traders and people who are not cultivating ryots wanting timber of

Traders and others how to obtain timber, wood, and bamboos.

the unreserved kinds, firewood, bamboos, grass, or any other description of the forest produce in the district forests, will apply to the

chief Revenue Officer of the district for the needful license or permission. Such license or permission will not however be granted till the intending purchaser has ascertained that the wood can be sold him, and till he produces a receipt showing that he has paid into the district or talook treasury the full amount of duty. The rates will be fixed for each district, and published from time to time by the Conservator of Forests.

Licenses to be returned.

24. All licenses must be returned by the holder on expiration of the limit allowed.

25. The licenses or permissions granted to traders, contractors, or others to cut timber, firewood, or to make charcoal in the district

Conditions of licenses.

forests, will contain such conditions regarding time and route of removal, protection of the forest against fire, and other damage, as may be considered necessary by the Officer granting the license.

26. Any trader, charcoal-burner, or other consumer of articles of forest produce, who shall infringe the

Penalties.

terms of his license, or who shall not return his license on the expiration of the time allowed, or who shall not abide by the conditions by which he is bound in the felling and removal of timber or other forest produce, or who shall cause any damage to any forest, shall be liable to a fine not exceeding five hundred rupees, or in default of payment of such fine to imprisonment for such term as is prescribed in the 67th Section of the Indian Penal Code.

27. In cases of fire, or on any other special occasion, the Conservator may with the Commissioner's sanction give any timber, wood, or bamboos from any Government forests without payment.

In special cases, timber, wood, or bamboos to be given free.

28. On all lands in the occupancy of private individuals in which Govern-

Exercise of the forest rights of the State on lands in the occupancy of private individuals.

ment possesses certain forest rights, teak and sandalwood are the property of the State. The forest rights of the State on such lands will be exercised under such rules as the Commissioner may from time to time lay down.

29. No Forest Officer shall engage in any employment or office whatsoever other than his duties under these rules, unless expressly permitted to do so in writing by the Commissioner of Mysore.

Forest Officers not to engage in other employ.

30. All drift and unclaimed timber and bamboos within the Mysore territories will be considered the property of Government, unless proof of ownership be

Drift and unclaimed timber the property of Government.

Drift timber and bamboos shall be collected at such stations as the Conservator of Forests may from time to time direct, and notices shall from time to time be published, stating the number and description of pieces of drift timber and bamboos collected at such stations.

31. Not less than two months' notice will be given for the reception of claims to the ownership of drift and unclaimed timber or bamboos, after which no claims will be allowed, and the timber and bamboos will be sold on account of Government.

§2. All such claims will be settled by the Conservator, or by such officer as he may authorize, provided Claims by whom decided. however that he shall be at liberty to decline arbitrating regarding such timber or bamboos, and in case he may see fit to do so refer claimants to the Civil Courts.

33. Timber or bamboos awarded to claimants must be redeemed by the payment of salvage and other expenses which may have been incurred on account of such timber.

34. It is the duty of the officers and subordinates of the Forest Department, and of all Revenue and Police Officers to see that these rules are not violated, and should they in any case be infringed to report the same without delay to the nearest Magistrate, or Forest Officer in charge of the range; and it shall be lawful for any Forest or Police Officer to take into custody without a warrant any person who hinders or obstructs him in the discharge of his duties under these rules, and the person apprehended shall be brought before a Magistrate with the least possible delay.

35. Any person who infringes any provision of these rules for which no special penalties have been provided, or any subordinate Forest Officer who wilfully neglects his duty, will be liable to a fine of five hundred rupees, and in default of payment to imprisonment for such term as is prescribed by the 67th Section of the Indian Penal Code.

In cases where the infringement involves fraud or theft, or any other offence provided in the Penal Code, the offender will be liable to be proceeded against under the provisions of the Penal Code.

36. Any axes, knives, carts, boats, or other tools, vehicles, or implements, as also all cattle and domestic animals used in an act which constitutes an offence against these rules, and all timber which has been marked or obtained in a manner contrary to these rules, whether entire or cut up, or sawn up, may be seized by any officer of the Forest Department, or Police Officer; and such timber, tools, vehicles, implements, cattle, and domestic animals may be confiscated or released on payment of a fine by the orders of the Magistrate of the district, or any

Forest Officer exercising the powers of a Magistrate or Subordinate Magistrate.

37. The Commissioner may vest the Conservator or any Assistant Conservator, who is duly qualified, with the powers of a Subordinate Magistrate, subject to such limitations as he may deem requisite.

38. All cases of violation of these rules may be tried and determined by the Magistrate of the district, or by any Forest Officer who may have been vested with the powers of a Magistrate or Subordinate Magistrate.

MYSORE FOREST DEPARTMENT.

License No.

[illegible]

STATION

Date _____

Name and Rank

of Issuing Officer.

C. H. DICKENS, *Colonel, R. A.*

Secy. to the Govt. of India.

GREAT TRIGONOMETRICAL SURVEY
OF INDIA.

NOTIFICATIONS

*Camp Cape Comorin, Base Line, the 1st
February 1869.*

No. 2

Mr. Edward Wilson Laseron is appointed a Sub-Assistant of the 4th Grade, Great Trigonometrical Survey of India, with effect from the date on which he joins the Bombay Party at Bangalore.

No. 3.

The following promotions are made, with effect from this date:—

Mr. N. Gwinn, from 3rd to 2nd Grade Sub-As-
sistant.

Mr. J. Bond, from 4th to 3rd Grade Sub-Asst.
ant.

Mr. C. D. Potter, from 4th to 3rd Grade School Assistant.

J. T. WALKER, *Lieut. Colonel, R. E.*
Supdt., G. T. Survey of Ind.

MONEY ORDER OFFICE.**NOTIFICATION.**

Port William, the 17th February 1869.

A Money Order Office will be opened at Raneengunge, a Sub-Division of Burdwan in the Lower Provinces of Bengal, from the 1st March next.

E. F. HARRISON,

Comptroller General of Accounts.

TELEGRAPH DEPARTMENT.**NOTIFICATIONS.**

Calcutta, the 22nd December 1868.

From the 1st of February 1869, all messages received into a Telegraph Office for despatch, must be stamped to the full value for all demands.

2. Telegraph Stamps will be procurable at all Telegraph Stations in any quantities, and at Civil Treasuries in quantities of the value of not less than Rs. 5 of labels one time, provided that the quantity sold shall include less than one Rupee worth of any particular value of Stamps.

3. Telegrams can be sent from Out-stations by post, but they must be enclosed in registered covers. At Stations where Telegraph Stamps are not procurable, they may be paid for by Postage Stamps at the rate of 17 annas to the Rupee. In such cases, the Post Office registration receipt will take the place of the ordinary Telegraph receipt. If any telegram be received insufficiently stamped, it will be returned bearing to the sender.

4. Telegraph Stamps are double headed, the object being that the upper half shall be returned on the receipt (whereby the sender receives a guarantee that his message has not been suppressed for the sake of the money), the lower half shall be affixed to the message and to the envelope, and to the Government that it has been pre-paid.

Proper forms on which to write telegrams are available at all Telegraph Stations gratis for messages written at the Office, or for sale at the following rates:—

	Rs.	A.	P.
Per 100 ...	1	2	0
" 50 ...	0	10	0
" 25 ...	0	6	0
" 12 ...	0	3	0

These forms will also shortly be obtainable at the rates at all Treasuries.

The senders of telegrams must be careful to affix their Stamps on the spaces left blank for the purpose on the message forms, the upper half on the receipt, the lower half on the message, and to see

that the Stamps are defaced with the Office Stamp which carries the name of the Office and date.

7. Telegraph Stamps cut in two, before being sent into a Telegraph Office, will not be accepted.

8. For rates of charge, see Notification on revised Tariff of the 20th September 1868.

9. Skeleton Maps of India showing the Telegraph Lines and Stations are procurable at most Telegraph Offices at eight annas each.

The Ceylon charge on a message of 20 words to or from India will in future be one rupee. Thus, a message of 10 words between any station in Ceylon and any station in India (except those east of Calcutta), will be two rupees, a message of 20 words will be three rupees, a message of 30 words will be five rupees, and so on.

A charge of one rupee in addition to the above will be made for a message of 20 words to or from any station east of Calcutta.

The above cancels paragraph 9 of the Telegraph Notification, dated Simla, the 20th September 1868, published in the *Gazette of India* of the 20th idem.

D. G. ROBINSON, Colonel, R.E.,
Dir. Genl. of Tels. in India.

POST OFFICE.**NOTIFICATIONS.**

Calcutta, the 22nd January 1869.

Arrangements having been made, with effect from the 1st March next, for the prepayment to destination of newspapers and packets of books and patterns forwarded from India by British Packet through the British Post Office Alexandria to Italy, the following revised schedule of rates chargeable in India on covers of the description mentioned will come into operation from the 1st March 1869, viz.:—

	Each Newspaper—prepayment compulsory.	Each packet of Newspapers, Books, or Patterns—prepayment compulsory. P. denotes that Patterns may be sent.		
	Not exceeding in weight 4 ozs.	Not exceeding in weight 4 ozs.	Every additional 4 ozs.	Patterns.
ITALY— By British Packet— Through British Post Office Alexandria ...	Rs. A. P.	Rs. A. P.	Rs. A. P.	P.
	0 2 0	0 3 1	0 3 1	P.

2. Newspapers and packets received by the above-mentioned route from Italy, which may have been posted in Italy on or after the 1st March, will be prepaid to destination in India, and will not be chargeable in India with any additional postage.

The 17th February 1869.

Intimation is hereby given of the following alterations in the rates and conditions of transmission of correspondence between India and

places the route to which lies through the United Kingdom.

2. The postage on a letter for Bermuda is increased from 10 annas per half ounce, as formerly, to 13 annas 4 pie when sent via Southampton, and from 12 annas 8 pie per half ounce, as formerly, to 1 Rupee when sent via Marseilles.

3. The postage on a Book Packet for the Azores, Cape de Verd Islands, Madeira or Portugal, is reduced from 4 annas 4 pie per 4 ounces, as formerly, to 3 annas 8 pie when sent via Southampton, and from 5 annas 8 pie per 4 ounces, as formerly, to 5 annas when sent via Marseilles. Newspapers for the places above mentioned forwarded via the United Kingdom can in future be sent only at Book rates.

4. Newspapers for the Canary Islands can in future be sent only at Book rates, viz., 5 annas per 4 ounces via Southampton, and 6 annas 4 pie per 4 ounces when sent via Marseilles.

5. Unpaid or insufficiently paid letters received via the United Kingdom from British Colonies or Foreign Countries will be exempted from the fine of 4 annas each hitherto levied, the charge on delivery in India being for the future limited to the amount of deficiency claimed by the London Post Office, together with 1 anna 4 pie per half ounce as Indian inland postage.

6. Newspapers and Packets received via the United Kingdom from British Colonies or Foreign Countries will be delivered in India without charge in cases where the prepayment includes Indian inland postage. In other cases the charge will be at the rate of 1 anna per 4 ounces, in addition to any deficient postage claimed by the London Post Office.

A. M. MONTEATH,

Dir. Genl. of the Post Office of India.

The 12th February 1869.

Consequent upon a reduction of the postage rate on newspapers between the United Kingdom and the United States of America, the postage payable in India on each newspaper (not exceeding 4 ozs.) sent to the United States of America through the United Kingdom will in future be 2 annas 4 pie via Southampton, and 3 annas via Marseilles.

The 16th February 1869.

It is hereby notified for general information that on unpaid letters received from Italy through Alexandria, the charges leviable on delivery in India will be those shown below, viz. :-

Rates chargeable in India on unpaid letters received from Italy through Alexandria not exceeding in weight—

$\frac{1}{2}$ oz.	$\frac{1}{2}$ oz.	$\frac{1}{2}$ oz.	1 oz.	$1\frac{1}{2}$ ozs.	$1\frac{1}{2}$ ozs.	$1\frac{1}{2}$ ozs.	2 ozs.
Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
0 8 0	0 12 0	1 4 0	1 8 0	2 0 0	2 4 0	2 12 0	3 0 0

C. K. DOVE,

For Dir. Genl. of the Post Office of India.

The 17th February 1869.

No. 289.

Mails for False Point, Gopaulpore, Bimlipatam, Vizagapatam, Coconada, Madras, Negapatam, Galle, Colombo, Tuticorin, Cochin, Beypore, Calicut, Cannanore, Mangalore, Carwar, and Bombay, for transmission per Steamer *India*, will be closed at this Office on Monday the 22nd instant at 6 P. M.

The 18th February 1869.

No. 290.

The next Overland Mail via Bombay will close on Tuesday, the 23rd February 1869.

2. Book post and pattern packets must be posted on the 22nd.

3. There will be no Express.

N.B.—The Letter Box will close at 6 P. M. precisely, after which hour Overland Letters fully pre-paid, and bearing extra postage stamp of two annas on each cover, will be received up to 6-30 P. M., or bearing an extra postage stamp of four annas on each cover up to 7 P. M.; and after up to 8-30 P. M., by a Post Office Clerk at the East Indian Railway Station, Armenian Ghaut.

The 19th February 1869.

No. 291.

Mails for Port Blair, for transmission per Steamer *Czarewitch*, will be closed at this Office on Sunday, the 21st instant, at 6 P. M.

No. 292.

Mails for Akyab, Rangoon, and Moulmein, for transmission per Steamer *Madras*, will be closed at this Office on Thursday, the 25th instant, at 6 P. M.

Letters, &c., for Port Blair can be sent to Rangoon by this opportunity.

W. H. MCGOWAN,

Post Master of Calcutta.

The 13th February 1869.

LIST of Remaining and Unclaimed Letters accumulated in the Calcutta Post Office during week ending 13th February 1869.

AYRTON, W. E.	Cealey, Mrs.
Arnold & Co.	Cullen, Mr. E.
Alexander, A.	Chunder Coomar Chatterjee.
Abercrombie, A.	Collisson, Miss.
Anderson, Mrs. T. C.	Connelley, O.
Aviet, J. S.	Collier, J. S.
BELL, W.	Chapman, G. C.
Bason, H. J. D.	Coombe, Mrs. W.
Bees, C.	DANNERS, Mrs.
Broadhead.	Doyle, J. J.
Bollysetty Ventkutramaniah.	Douglas, C. J.
Brittain, W.	Drummond, Lt. F. C. W.
Bennett, F. J.	Regt. N. I.).
Barratt, Miss.	David, A.
Biswas, D. N.	Domingo, P. D.
Beghar, F. D.	Dwarka Nauth Sen.
Burges, G.	El Rozario, G.
Beattie, A.	Dall, Mrs. J.
Brojendro Coomar Mookerjee.	Dillacreux, B.
Benode Lal Chatterjee.	Delatre.
CALLY Doss Lahory.	D'Craze, Mr. R.
Cumberland, Mr.	Dunn, C. S. W.
Cook, J. M.	ELBERTON, H. P.
Cowan, Mrs., (75th Regt).	Evans, T. C.
Conway, Sergeant T.	FALCOLO, J.
Cox, W.	

Farmer, W. L. (16th Lancers).	Joy, Capt. (7th Hussars).	Macleod, Mrs. J.	SAXTON, W.
Fraser, D. A. C. (103rd Regt.).	Joseph, S.	Morris, Mrs. B.	Scott, Mrs. E. A.
Fordyce, C. J. L.	Jacobs, C.	Moonam, Angelica Chery Lonen.	Shurbo Chunder Sircar.
GRANT, A. G. (17th Bengal Cavalry).	Joggeswar Bagchee.	NOKUR Chunder Mondel.	Skinner, A.
Gomes, P.	Jordon, Dr. T. G.	Nightingale, M.	Scott, E.
Garland, Miss M.	Jeeks, Thomas.	Nash, Mrs.	Sequera, Pascol J.
Gronetto, J.	Joshua, Mrs.	Nusheensuth Chatterjee.	Sarkies, S. F.
Graves, J.	KERE, Capt. J. C.	Obay Churn Dutt.	Somerville, H.
Grose, F. J.	Keley, Miss.	PAGE, Mrs.	Salomaben Saloma.
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Green, W. C.	Larmine, S. C.	Piper, C. F.	Tye, E.
Gostobeharry Bosak.	Lindorff, Mrs.	Parns Ram.	Thomas, S. H.
HARPER, A.	Leith, A.	Primrose, D. C.	Thesiger, Hon'ble Colonel F.
Holmes, Mr. L.	Laing, Capt.	Price, Mrs.	VANDER Hyde, J. E.
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Hesaldson, P.	Lyons, E.	Pringle, Mrs.	Webbe, J.
Hearn, Mr.	Lewis, Lt. N.	REDAUT, J.	Walker, J. P. H.
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Post Master of Calcutta.

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In order of Merit.

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2 Asutosh Mukhopádhyáy	... Presidency College.
3 Bankimchandra Chattopádhyáy	... Ditto.
4 Bipinvihári Datta	... Ditto.
5 Nilmani Mukhopádhyáy	... Ditto.
6 Gopálchandra Mukhopádhyáy	... Ditto.

SECOND DIVISION.

In order of Merit.

1 Ramcharan Mitra	... Presidency College.
2 Kisarilál Sarkár	... Ditto.
3 Saratchandra Bandyopádhyáy	... Ditto.
4 Ameer Ali	... Hooghly College.
5 Jogendranáth Basu	... Presidency College.
6 Pramadácharan Bandyopádhyáy	... Ditto.
7 Lakshináráyan Dás	... Ditto.
8 Sivchandra Gui	... Ditto.
9 Kisarimohan Chattopádhyáy	... Ditto.
10 Srináth Pál	... Hooghly College.
11 Sitánáth Mukhopádhyáy	... Presidency College.
12 Umeschandra Ghosh	... Kishnaghur College.
13 Sashibhusan Bandyopádhyáy	... Presidency College.
14 Pratápchandra Majumdár	... Ditto.
15 Pitámvar Chattopádhyáy	... Hooghly College.
16 Krishnadás De	... Presidency College.
17 Nrisinhachandra Mukhopádhyáy	... Ditto.
18 Rajchandra Ráy	... Ditto.
19 Ramlál Bandyopádhyáy	... Ditto.
20 Krishnachaitanya Bhumik	... Ditto.
21 Harischandra Bágchi	... Dacca College.
22 Benimádhav Datta	... Presidency College.
23 Jogendranath Chaudhuri	... Ditto.
Harimohan Chakravarti	... Ditto.
Hemchandra Nandan	... Ditto.

26	Jadunáth Mitra	...	Presidency College.
27	Baradágovinda Sen	...	Ditto.
28	Avināschandra Mitra	...	Ditto.
29	Obeyd-al-Ruhman	...	Berhampore College.
30	Kisarimohan Ráy	...	Presidency College.
31	Jadunáth Bhattáchárya	...	Kishnaghur College.
32	Kásikánta Sen	...	Presidency College.
	Bihárilál Mallik	...	Hooghly College.
33	Matilál Ráychaudhuri	...	Presidency College.
	Mahimáchandra Ghosh	...	Ditto.
	Rameschandra Láhuri	...	Ditto.
37	Kamalákanta Sen, No. 2	...	Ditto.
38	Bipradás Mukhopádhyáy	...	Kishnaghur College.
39	Kártikchandra Pál	...	Hooghly College.
	Brajavihari Som	...	Presidency College.
41	Binadvihári Chaudhuri	...	Presidency College.
42	Isínchandra Chakravarti	...	Ditto.
43	Banerjea, P. N.	...	Ditto.
44	Durgánáth Bágchi	...	Berhampore College.
	Mahendranáth Bandyopádhyáy	...	Presidency College.
46	Jogendranáth Basu, No. 1.	...	Ditto.
47	Syámkisar Basu	...	Ditto.
48	Becharam Mukhopádhyáy	...	Ditto.
49	Kapáliprasanna Mukhopádhyáy	...	Ditto.
50	Tarápada Bandyopádhyáy	...	Kishnaghur College.
51	Karunámay Bandyopádhyáy	...	Presidency College.
52	Ramgopal Datta	...	Berhampore College.

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In Alphabetical order.

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Bandyopádhyáy, Sasibhushan	...	Presidency College.
Bari, Fuzlal	...	Ditto.
Basu, Trigunaprasanna	...	Ditto.
Chakravarti, Maheschandra	...	Dacca College.
Chând, Parvatikumâr	...	Ditto.
Ghosh, Chandrakánta	...	Ditto.
„ Girischandra	...	Presidency College.
Guha, Kálisankar	...	Ditto.
Kundu, Hemchandra	...	Ditto.
Mallik, Priyanáth	...	Ditto.
Niogi, Nílkamal	...	Dacca College.
Rakhshít, Govindachandra	...	Presidency College.
Sen, Dinavandhu	...	Dacca College.
„ Kamalákanta	...	Presidency College.
Sil, Gopállál	...	Ditto.

J. SUTCLIFFE, M. A.,

Registrar.

CALCUTTA UNIVERSITY, }
The 8th February 1869.

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ENGLISH.

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In Order of Merit.

Krishnavihári Sen	...	Presidency College.
Jogendranáth Chaudhuri	...	Ditto.
Jaykrishna Sen	...	Ditto.
Mahendranáth Datta	...	Ditto.

HISTORY.

CLASS II.

In Order of Merit.

Kshetrachandra Ghosh	...	Presidency College.
Kálidás Bhanja	...	Ditto.

MATHEMATICS.

CLASS II.

Chandrakumār Ráy Presidency College.

CLASS III.

In Order of Merit.

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CLASS II.

In Order of Merit.

Uppendrachandra Dev Presidency College.
 Kailāschandra Bandyopádhyaý Patna College.

CLASS III.

In Order of Merit.

Uppendrachandra Sáhá Presidency College.
 Mahendranáth Bhattachárya General Assembly's Institution.

The under-mentioned Students have passed the Examination for the Degree of Master of Arts:—

In Alphabetical Order.

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 Uppendrachandra Chattopádhyaý General Assembly's Institution.
 Mahendranáth Chakravarti Presidency College.

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 Análákánta Sen Presidency College.

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Uppendrachandra Ráy Presidency College.

CALCUTTA UNIVERSITY;

The 18th February 1869.

J. SUTCLIFFE, M. A.,

Registrar.

Weekly Statement of Silver tendered, of Certificates issued, and Silver Balance in the Mint.

DATE.	SILVER TENDERED, ESTIMATED VALUE.	CERTIFICATES ISSUED FOR	BALANCE OF BULLION		
			Under Assay.	Assayed.	Held on account of the Currency Department.
	Rs.	Rs.	Rs.	Rs.	Rs.
8th, 1869	2,45,206	1,52,798	30,57,819	2,34,019	83,61,717
9th, " ... ..	.....	2,16,252	28,32,043	4,79,281	83,61,717
10th, "	1,088	2,04,308	26,21,468	4,07,657	86,61,717
11th, " ... ..	.....	4,15,179	22,44,210	5,34,913	89,61,717
12th, "	2,307	4,23,433	18,75,973	5,67,070	93,61,717
13th, "	5,100	4,68,713	13,93,914	6,32,165	97,61,717

CALCUTTA MINT,

The 15th February 1869.

H. HYDE, Lieut. Colonel,
Mint Master.

CURRENCY NOTES.

Extract from Financial Department Notification, No. 1004 A, dated Simla, 30th July 1866.

Para. 9.—“The person making the statement respecting a lost or destroyed Note, or portion of Note, will be required to advertise its loss (free of charge) *thrice* at least in the *Official Gazette* of the Presidency or place where or within which the Note is payable, and *once* in the *Gazette of India*.”

Lost.

In transit between Burabankie and Allahabad half of the following Currency Notes—intimation of loss given to the Currency Office, Allahabad:—

No. A62382 for Rs. 20.

„ A62389 „ 20.

„ A57761 „ 10.

SYUD ABDOULLAH.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A05436 for Rs. 10.

RAMESWUR SEN.

The following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A09328 for Rs. 1,000.

JUMNA DOSS.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A09700 for Rs. 10.

D. W. TAYLOR.

The following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A50706 for Rs. 100.

BANEE MADHUB CHATTERJEE.

Half of the following Currency Notes—intimation of loss given to the Currency Office, Allahabad:—

No. A66064 for Rs. 20.

„ A66870 „ 20.

„ A66576 „ 20.

MAHOMED ALI KHAN.

The following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A31219 for Rs. 50.

S. OPPENHEIM.

Second half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A51557 for Rs. 50.

G. MAGUIRE.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A92793 for Rs. 10.

W. H. DARLING.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. P00333 for Rs. 1,000.

P. BARROW.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A56782 for Rs. 50.

CHOTAY LALL SHAW & Co.

In transit from Lullutpore to Umballa, second half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A10289 for Rs. 100.

PEER MAHOMED.

Between Seonee and Jubbulpore the following Currency Notes of the Bombay Circle:—

No. C88481 for Rs. 100.

„ C63510 „ 20.

„ C25649 „ 20.

„ C09521 „ 10.

„ C80699 „ 10.

„ C19886 „ 10.

„ C18202 „ 10.

„ C06593 „ 10.

„ C81193 „ 10.

FRAMJEE DORABSHAW.

In transit by Post from Kowtah to Bombay right half of the following Currency Note of the Bombay Circle:—

No. C54105 for Rs. 10.

J. J. CAREY.

Half of the following Currency Note—intimation of loss given to the Currency Office, Allahabad:—

No. A36403 for Rs. 10.

JOHN CUNNINGHAM.

In transit by Post from Jullundur to Calcutta second half of the following Currency Note of the Lahore Circle:—

No. A44475 for Rs. 10.

K. C. CHATTERJEE.

Lost or Stolen.

The following Currency Note of the Allahabad Circle—intimation of loss given to the Currency Office, Allahabad:—

No. 12878 for Rs. 100.

F. S. GROWER.

In transit by Post between Nagpore and Bombay the left half of the following Currency Note of the Bombay Circle:—

No. C73211 for Rs. 20.

„ C31124 „ 20.

R. W. WALLACE.

The following Currency Note:—

No. A99926 for Rs. 50.

CHOONEE LOLL JOHORY.

Wrongly Joined.

Received in the course of business the following Currency Note, of which the two halves bear different numbers:—

1st half No. A16254 } one Note for Rs. 100.
2nd " A98709 }

SHAIK MEHER ALI.

Received in the course of business the following Currency Notes, of which the two halves bear different numbers—intimation given to the Currency Offices:—

No. A67021 } one Note for Rs. 10.
" A67023 }

No. A34976 } one Note for Rs. 20.
" A34975 }

HEERAH RAM.

PROMISSORY NOTES.

Lost.

The upper half of the Government Promissory Note No. 12278, dated 30th June 1854, at 4 per cent., and the lower half of Government Promissory Note No. 72526, dated 28th February 1857, at 5 per cent., the former for Rs. (1,000,) one thousand only, the latter for Rs. (500) five hundred only, when travelling by Rail from Calcutta to Jumal-pore on the 4th and 5th January 1869.

MUDOO SOODUN BANERJEE,

Gomashta to H. M.'s 3rd Battalion, R. B.

DINAPORE,

The 1st February 1869. }

Promissory Note No. 1347 of 5½ per cent Loan, dated 30th May 1859, for Rs. 1,000; 16th half-year's interest paid from the Bhaugulpore Treasury to the Revd. M. E. Mills, Secretary, Bhaugulpore Church Committee, on June 1st, 1867.

Also Promissory Notes Nos. 1348 and 1349 for Rs. 500 each, of the above loan and particulars.

The finder of these Notes will kindly make them over either to the Printer or to the Revd. W. M. Lethbridge, Minister of Bhaugulpore.

W. M. LETHBRIDGE.

In transit by Post from Calcutta to Bombay the following Government Promissory Notes, payment of which has been stopped:—

No. 010413 of 5½ per cent. Loan of 1859-60, for Rs. 1,000.

No. 010402 of 5½ per cent. Loan of 1859-60, for Rs. 500.

No. 010403 of 5½ per cent. Loan of 1859-60, for Rs. 500.

D. WOODS,

Depy. Secy. and Treasurer.

The following Government Promissory No. No. 11536 of 37048, dated 30th June 1854, for Rs. 1,000, standing in my name, and never endorsed to any person, has been lost; notice of its loss has been given to the Government Loan Office, Calcutta, and application for the issue of the Duplicate Note will soon be made to the Government of India.

SREECANTH ROY,
Zemindar, Proprietor.

BURRANAGORE,
The 22nd December 1866. }

Stolen.

The public are cautioned against purchasing or receiving in pledge or in any way negotiating the Government Promissory Note No. 13049 of 31st March 1836 for Rs. 1,000 at 4 per cent. Loan, the same having been stolen from Radhasham Coondoo's house at Calcutta on the 7th April 1865, to whom I pledged the Note, and who advertised the loss in the *Calcutta Gazette* on the 12th, 19th, and 26th April 1865, and it is again published for general information in the *Gazette of India* under the direction of the Secretary and Treasurer, Bank of Bengal.

KAMINEY DABEE.

KIDDERPORE,
The 8th February 1869. }

ADVERTISEMENTS.

Notice.

"The interest and responsibility of Mr. Henry Crooke ceased in our Firm on the 31st August last.

We have admitted Mr. Frederick James Crooke as a partner.

The business will henceforward be carried on by James Rome and Frederick James Crooke."

CROOKE, ROME & Co.

The 30th January 1869.

Notice.

Letters of Administration, with the Will annexed of David Begg, late of Canon's Park, Stanmore, in the County of Middlesex, England, having been granted by the High Court of Judicature in Calcutta to the undersigned on the fourteenth day of September one thousand eight hundred and sixty-eight, all persons having claims against the said deceased are requested to make the same known, and all persons indebted to the deceased's Estate are requested to pay the amounts of their respective debts to the undersigned on or before the first day of May next.

H. H. SUTHERLAND,
Administrator.

12, MISSION ROW; }
CALCUTTA.
The 6th February 1869. }

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STATEMENT of Government Promissory Notes enfaced for payment of Interest in London, under deduction of amount re-transferred to India, and outstanding in the Books of the Bank of Bengal on the 15th February 1869.

PARTICULARS.	3½ PER CENT. LOAN OF 1853-54.	4 PER CENT. LOANS							4½ PER CENT. LOAN OF 1856-57.	PER CENT.		5½ PER CENT. LOAN OF 1859-60.	5 PER CENT. DEBENTURES FOR					TOTAL AMOUNT.
		of 1824-25.	of 1829-30.	of 1832-33.	of 1835-36.	of 1842-43.	of 1854-55.	Transfer of 1865.		P. W. of 1854-55.	of 1856-57.		2 years.	3 years.	5 years.	10 years.	15 years.	
													Repayable Jan. 1869.	Repayable Jan. 1870.	Repayable June 1872.	Repayable June 1877.	Repayable June 1882.	
Balance of 30th January 1869	53,100	39,406	2,346	20,93,120	38,25,000	1,48,43,000	1,15,28,400	48,24,900	14,500	40,82,400	5,92,76,200	3,92,90,400	10,000	20,80,000	30,10,000	35,10,000	38,40,000	15,32,28,632
<i>Add—</i>																		
Amount enfaced at Madras between 1st and 15th February 1869	...	...	...	...	...	...	46,500	3,200	...	...	47,000	20,700	...	...	...	...	...	1,17,400
Amount enfaced at Bombay between 1st and 15th February 1869	...	...	...	...	1,500	6,200	3,300	...	...	...	5,500	1,000	...	...	...	...	...	19,500
Amount enfaced at Calcutta between 1st and 15th February 1869	...	...	...	...	3,100	55,800	45,700	1,200	...	18,000	1,39,500	15,000	...	...	...	1,000	...	2,79,300
TOTAL	53,100	39,406	2,346	20,93,120	38,29,600	1,49,07,000	1,16,23,900	48,29,300	14,500	50,00,400	5,94,68,200	3,93,27,100	10,000	20,80,000	30,10,000	35,11,000	38,40,000	15,36,45,032
<i>Deduct—</i>																		
Amount written off in the London Registers	...	...	...	...	3,000	1,30,900	71,000	12,500	...	32,000	8,30,700	2,45,000	...	1,50,000	1,43,000	10,000	4,000	16,31,500
Balance on 15th February 1869	53,100	39,406	2,346	20,93,120	38,26,600	1,47,76,700	1,15,52,900	48,16,800	14,500	49,68,400	5,86,37,500	3,90,82,100	10,000	19,30,000	28,67,000	35,01,000	38,36,000	15,20,13,532

NOTE.—From 9th June 1867 to 15th Dec. 1868 enfaced from India 485 lakhs; re-transferred from London 265 lakhs.

" 16th Dec. 1868 to 31st "	" "	" 3 "	" "	" 2 "
" 1st Jan. 1869 to 15th Jan. 1869	" "	" 11 "	" "	" 5 "
" 16th " " to 30th " "	" "	" 4 "	" "	" 16 "
" 1st Feb. " to 15th Feb. "	" "	" 4 "	" "	" 16 "

507 lakhs.

304 "

Balance against India ... 203 lakhs.

304 lakhs.

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BANK OF BENGAL.
Calcutta, the 15th Feb. 1869.

G. W. MOULTRIE,
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NOTE

ON THE

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DURING 1866-67.

BY

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GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

The following Bill was introduced into the Council of the Governor General of India for the purpose of making Laws and Regulations on the 26th February 1869, and was referred to a Select Committee with instructions to make their report thereon in a week :—

No. 3 of 1869.

Bill to give validity to certain Rules relating to Forests in British Burma.

WHEREAS certain Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865, were framed under Act No. VII of 1865, and were given effect to Rules for the management and preservation of Government Forests, and were confirmed by the Governor General of India in Council and published in the *Gazette of India*, on the twelfth day of August 1865; and whereas the said Rules relate to timber not the produce of such forests, and it is expedient to validate such Rules and to indemnify the officers and other persons who have acted under them; It is hereby enacted as follows :—

The Rules for the better management and preservation of the Government Forests in British Burma, dated the second day of August 1865 shall, from the said second day of August 1865 down to the passing of this Act, be deemed to have had the force of law as regards timber to which they relate, and shall continue in force until the said Governor General in Council otherwise order.

All officers and other persons are hereby indemnified for anything done before the passing of this Act which might lawfully have been done if this Act had been in force; and no civil or other proceeding shall be maintained against any such officer or other person in respect of anything so done.

WHITLEY STOKES,
Secy. to the Council of the Govr. Genl.
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 12th February 1869, and is hereby promulgated for general information :—

ACT No. II of 1869.

An Act for the appointment of Justices of the Peace.

WHEREAS it is expedient to consolidate and amend the law relating to the appointment of Justices of the Peace; It is hereby enacted as follows :—

1. This Act may be called "The Justices of the Peace Act, 1869."

2. The enactments mentioned in the schedule hereto annexed are hereby repealed to the extent specified in the third column of the same schedule.

3. The Governor General of India in Council, so far as regards the whole or any part of British India (other than the towns of Calcutta, Madras and Bombay),

and every Local Government, so far as regards the territories subject to its government or administration (other than the towns aforesaid),

may, by notification in the official Gazette, appoint such and so many of the Covenanted Civil servants of the Crown in India, or other British inhabitants, as the said Governor General in Council or the Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within and for the territories mentioned in such notification.

4. The Governor General of India in Council or the Local Government, so far as regards the town of Calcutta,

and the Local Government, so far as regards the towns of Madras and Bombay,

may, by notification in the official Gazette, appoint any persons resident within British India and not being the subjects of any foreign State whom such Governor General in Council or Local Government (as the case may be) shall think properly qualified to act as Justices of the Peace within the limits of the town mentioned in such notification.

5. All persons appointed under section three or section four shall be Justices of the Peace and shall have authority to act as such, and shall have power to commit for trial European British subjects of Her Majesty to the Court prescribed in that behalf by the law in force for the time being, and shall do all other acts appertaining to the office of Justice of the Peace which under or by virtue of any law in force for the time being may be done by a Justice of the Peace within the said territories or towns, as the case may be.

6. All persons being servants of Government appointed by the Governor General in Council to act as Justices of the Peace for the whole of British India,

and all persons being servants of Government appointed by a Local Government to act as Justices of the Peace for the territories subject to such Government other than the towns aforesaid,

shall, so far as regards European British and Christian subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty, have power to act as Justices of the Peace and to commit such subjects for trial according to law.

7. Provided that no person other than a person now acting as a Justice of the Peace under a commission shall be capable of acting as a Justice of the Peace until he shall have made and subscribed, before some other Justice of the Peace or the chief civil officer of any station within the territories or place

in and for which he shall have been appointed declarations to the following effect:—

“I declare that I will be faithful and bear true allegiance to Her Majesty.”

“I declare that I will truly and faithfully discharge the office of a Justice of the Peace.”

8. The subscriptions of such persons to the said declarations shall be deposited with and kept by such officer as the Governor General in Council or the Local Government (as the case may be) shall from time to time appoint.

9. The Governor General of India in Council Power to suspend or dismiss in the case of any Justice of the Peace appointed by him, and the Local Government in the case of any Justice of the Peace appointed by it, may suspend or dismiss any person so appointed.

10. Every person now acting as a Justice of the Peace within and for any part of British India other than the said towns under any commission issued by any of the said High Courts, shall be deemed to have been appointed under section three by the said Governor General in Council to act as a Justice of the Peace for the whole of British India.

Every person now acting as a Justice of the Peace within the limits of any of the said towns under any such commission shall be deemed to have been appointed under section four by the Local Government.

SCHEDULE.

NUMBER OF STATUTE OR ACT.	TITLE OF STATUTE OR ACT.	EXTENT OF REPEAL.
33 Geo. III, Cap. 52	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with their exclusive Trade, under certain limitations; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; for appropriating, to certain uses, the Revenues and Profits of the said Company; and for making provision for the good Order and Government of the Towns of Calcutta, Madras and Bombay.	Sections 151 and 152.
47 Geo. III Sess. 2, Cap. 68.	An Act for the better Government of the Settlements of Port St. George and Bombay; for the Regulation of Public Banks; and for amending so much of an Act passed in the thirty-third year of his present Majesty as relates to the Periods at which the Civil Servants of the East India Company may be employed in their service abroad.	Sections 4, 5 and 6.
54 Geo. III, Cap. 155	An Act for continuing in the East India Company, for a further term, the Possession of the British Territories in India, together with certain exclusive Privileges; for establishing further Regulations for the Government of the said Territories, and the better Administration of Justice within the same; and for regulating the Trade to and from the Places within the Limits of the said Company.	Section 112.
2 & 3 Wm. IV, Cap. 117.	An Act to amend the Law relating to the Appointment of Justices of the Peace, and of Juries in the East Indies.	The whole.
Act No. XVI of 1841	An Act concerning the taking of Oaths of Qualification by Justices of the Peace.	So much as has not been repealed.
Act No. VI of 1845	An Act to amend the Law regarding the issue of Commissions of the Peace.	The whole.
Act No. XXVII of 1864	An Act to substitute certain declarations for the Oaths of Qualification taken by Justices of the Peace.	The whole.

WHITLEY STOKES,
Secy. to the Council of the Govt. of India
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 19th February 1869, and is hereby promulgated for general information:—

ACT No. III OF 1869.

An Act for the maintenance of the Rural Police in the North-Western Provinces.

WHEREAS it is expedient to make further provision for the maintenance of the Rural Police in the North-Western Provinces of the presidency of Fort William and to define the law relating to the appointment and duties of village watchmen in those provinces; It is hereby enacted as follows:—

I.—PRELIMINARY.

1. This Act may be called "The Rural Police (North-Western Provinces) Act."
Short title.
2. Act No. II of 1865 (*to provide for the maintenance of the Rural Police in the territories under the government of the Lieutenant Governor of the North-Western Provinces and elsewhere*) and Act No. II of 1866 (*to amend Act No. II of 1865*), are hereby repealed.
Repeal of Acts.

3. This Act extends to every District in which Act No. II of 1865 was in force immediately before the passing hereof.
Extent of Act.

II.—TAXES.

4. Three kinds of taxes shall be leviable under this Act (that is to say), 1st, a House Tax; 2nd, an Estate Tax; and 3rd, a Tax on Muáfíárs, Sub-proprietors and Nazránáárs.
Taxes leviable under this Act.

1st.—The House Tax.

5. The proprietor of every Muáfí, Nazráná or other estate situate in any District to which this Act applies shall have power to assess and collect in each year from the occupant of every house on such estate, a sum not exceeding one rupee.
Power to assess house-tax.

The Collector of the District shall have power to determine what shall, for the purposes of this section, be held to be a house.

6. All sums assessed under section five shall be payable in advance for the revenue year next after the assessment, at the time when the first instalment of rents is ordinarily payable in that year for lands comprised in or adjacent to such estate.
Time of paying house-tax.

7. All sums so assessed shall be recoverable as if they were rent of land.
Recovery of house-tax.

Provided that no person shall be liable to be ejected from any house in his occupation for non-payment of any such sum.

8. Any person assessed under section five, and unable to pay the amount of the assessment, may present a petition on unstamped paper to the Collector of the District, and such Col-
Petition against assessment.

lector may, if he thinks fit, remit wholly or in part the said assessment.

All complaints of illegal collection under section five shall be cognizable by the Collectors of Land Revenue; and the provisions contained in Act No. X of 1859 (*to amend the Law relating to the recovery of rent in the presidency of Bengal*), section twenty-three, as to institution, trial and appeal, shall apply to complaints under this section.
Complaints of illegal collection.

2nd.—The Estate Tax.

9. If, in any year, any such proprietor fails altogether to assess the sum mentioned in section five, or assesses under section five a sum which, in the opinion of the Collector of the District wherein the proprietor's estate is situate, is inadequate, it shall be lawful for such Collector to assess upon such estate a sum payable yearly by the proprietor thereof for the time being, and not exceeding in any year the amount which might have been assessed in the same year under the same section on the occupants of the houses in such estate, less ten per centum.
Power to Collector to assess estate of proprietor failing to make sufficient assessment.

10. It shall be lawful for the Collector, or for any officer making a settlement of land-revenue, to assess upon any Muáfí, Nazráná, or other estate situate in any District to which this Act applies, a sum to be paid yearly by the proprietor thereof for the time being not exceeding the aggregate amount of the sums payable in respect of such estate or by the occupants of the houses thereon under sections five and nine, less ten per centum.
Power to assess estates.

Such assessment shall be in addition to the municipal cess or percentage (if any) levied for the maintenance of rural police on the land-revenue payable in respect of such estate.

11. The sum assessable under section ten may from time to time, with the sanction of the Local Government, be altered by the Collector or officer aforesaid.
Alteration of assessment.

3rd.—The Tax on Muáfíárs, Sub-proprietors, and Nazránáárs.

12. Besides the assessments made under section ten, it shall be lawful for the Collector or for any such officer as aforesaid, to levy in the case of any Muáfí or Nazráná estate upon the Muáfíárs, or (where a sub-settlement has been made) on the Sub-proprietors, or on the Nazránáárs, a municipal cess on the estimated jama at the same rate as the estate would have been charged with, had it not been held under a Muáfí or Nazráná title.
Power to levy cess on Muáfíárs, Sub-proprietors and Nazránáárs.

13. The Local Government may from time to time prescribe, by notification in the official Gazette, by what instalments and at what times the assessments payable under sections ten and twelve shall be paid, and all sums assessed under either of those sections shall be recoverable as if they were arrears of revenue.
Mode and time of paying assessments.

III.—APPLICATION OF TAXES.

14. Subject to the orders of the Local Government, all taxes levied under this Act in any District shall, in the first instance, be applied to the maintenance of the village police in such District, and for the purpose of this section, 'maintenance' shall be deemed to include their wages, the price of all necessaries and accoutrements supplied to them, rewards and other incidental expenses.

The surplus (if any) may be applied by the Local Government, at its discretion, to the sanitary improvement of the District, or to any other useful purpose ~~therein~~.

IV.—ACCOUNTS OF TAXES.

15. Accounts of the taxes levied under this Act and of the application thereof shall be kept by such persons and in such form, and shall be furnished at such times and to such officers as the Local Government shall, by rules to be published in the official Gazette, from time to time, prescribe.

16. Such accounts shall be open to public inspection at all reasonable times without the payment of any fee.

17. Any proprietor failing to comply with any rule made under section fifteen, shall be liable, on conviction before a Magistrate, to a fine not exceeding one hundred rupees, and every such fine shall when recovered be applied for the purposes of this Act in the District where it is imposed.

V.—VILLAGE WATCHMEN.

18. Every person authorized to nominate a person to the office of village watchman shall, within fifteen days after the occurrence of a vacancy in the office, nominate a proper person to the vacant post, and communicate the nomination to the Magistrate of the District.

The person so nominated shall, after due enquiry into his age, character and ability, be appointed or rejected by such Magistrate at his discretion, or by some officer authorized by him in that behalf.

19. In default of such nomination within the said fifteen days, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

If the nomination has been made within the said fifteen days, but the nominee is rejected, the person authorized to nominate a person to the office of village watchman shall, within fifteen days from the date of such rejection, nominate another person to the vacant post; and in default of such nomination, or if such nomination has been made but the nominee is rejected, the Magistrate of the District shall appoint such person as he thinks fit to the vacancy.

20. Any village watchman appointed under this Act shall be liable to perform within the limits of his village, and in addition to his other duties, all or any of the duties imposed on Police officers by Act No. V of 1861 (*for the regulation of Police*); and for any neglect or disobedience in his official capacity, he shall be liable to the penalties which he would have incurred had he been a Police officer subject to the provisions of that Act and guilty of neglect or disobedience as the case might be.

VI.—MISCELLANEOUS.

21. The Local Government may, from time to time, make rules, consistent with this Act, for the guidance of officers in all matters connected with its enforcement.

All such rules shall be published in the local official Gazette.

22. The Lieutenant Governor of the North-Western Provinces and the Lieutenant Governor of the Panjáb may respectively, by notification in the local Gazette, extend this Act to any part of the territories for the time being under their respective governments; and the Governor General of India in Council may, by notification in the *Gazette of India*, extend this Act to any province for the time being under the immediate administration of the Government of India:

Provided that this Act shall have no operation in any village to which Act No. XX of 1856 (*to make better provision for the appointment and maintenance of Police Chaukidars in cities, towns, stations, suburbs and bázars in the Presidency of Fort William in Bengal*), or Act No. VI of 1868 (*to make better provision for the appointment of municipal Committees in the North-Western Provinces, and for other purposes*), or any other special Municipal law shall have been extended, so long as such Act or law continues in force in such village.

23. From the date of any such extension of this Act, so much of any rule having the force of law in operation in the territories to which the extension is made as is inconsistent with any provision of this Act, shall cease to have effect therein.

WHITLEY STOKES,

Secy. to the Council of the Govt. Genl.
for making Laws and Regulations.

The following Act of the Governor General of India in Council received the assent of His Excellency the Governor General on the 26th February 1869, and is hereby promulgated for general information :—

ACT No. IV OF 1869.

THE INDIAN DIVORCE ACT, 1869.

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An Act to amend the law relating to Divorce and Matrimonial Causes in India.

WHEREAS it is expedient to amend the law relating to the divorce of persons professing the Christian religion, and to confer upon certain Courts jurisdiction in matters matrimonial; It is hereby enacted as follows:—

I.—*Preliminary.*

1. This Act may be called "The Indian Divorce Act," and shall come into operation on the first day of April 1869.

2. This Act shall extend to the whole of British India, and (so far only as regards British subjects within the dominions hereinafter mentioned) to the dominions of Princes and States in India in alliance with Her Majesty.

Nothing hereinafter contained shall authorize any Court to grant any relief under this Act, except in cases where the petitioner professes the Christian religion and resides in India at the time of presenting the petition;

or to make decrees of dissolution of marriage. And to make decrees except in the following cases:—(a) where the marriage shall have been solemnized in India; or (b) where the adultery, rape or unnatural crime complained of shall have been committed in India; or (c) where the husband has, since the solemnization of the marriage, exchanged his profession of Christianity for the profession of some other form of religion;

or to make decrees of nullity of marriage except in cases where the marriage has been solemnized in India.

3. In this Act, unless there be something repugnant in the subject or context,—

(1). "High Court" means in any Regulation Province the Court there established under the Act of the twenty-fourth and twenty-fifth of Victoria, Chapter one hundred and four,

in the territories for the time being subject to the government of the Lieutenant Governor of the Panjab, the Chief Court of the Panjab,

in British Burma, the High Court of Judicature at Fort William in Bengal,

and in any other Non-Regulation Province and in any place in the dominions of the Princes and States of India in alliance with Her Majesty, the High Court or Chief Court to whose original criminal jurisdiction the petitioner is for the time being subject, or would be subject if he or she were an European British subject of Her Majesty:

In the case of any petition under this Act, 'High Court' is that one of the aforesaid Courts within the local limits of whose ordinary appellate jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

(2). "District Judge" means, in the Regulation Provinces, a Judge of a principal Civil Court of original jurisdiction,

in the Non-Regulation Provinces, other than British Burma and Sind, a Commissioner of a Division,

in Pegu, the Recorder at Rangoon,

in Arakan, the Recorder at Rangoon until a Recorder's Court is established at Akyah, and thenceforward the Recorder at Akyah,

in the Tenasserim Provinces, the Recorder at Maulmain,

in Sind, the Judicial Commissioner in that province,

and in any place in the dominions of the Princes and States aforesaid, such officer as the Governor General of India in Council shall from time to time appoint in this behalf by notification in the *Gazette of India*, and, in the absence of such officer, the High Court in the exercise of its original jurisdiction under this Act:

(3). "District Court" means, in the case of a petition under this Act, the Court of the District Judge within the local limits of whose ordinary jurisdiction, or of whose jurisdiction under this Act, the husband and wife reside or last resided together:

(1). "Court" means the High Court or the District Court, as the case may be:

(5). "Minor children" means, in the case of sons of Native fathers, boys who have not completed the age of sixteen years, and, in the case of daughters of Native fathers, girls who have not completed the age of thirteen years: In other cases it means unmarried children who have not completed the age of eighteen years:

(6). "Incestuous adultery" means adultery committed by a husband with a woman with whom, if his wife were dead, he could not lawfully contract marriage by reason of her being within the prohibited degrees of consanguinity (whether natural or legal) or affinity:

(7). "Bigamy with adultery" means adultery with the same woman with whom the bigamy was committed:

(8). "Marriage with another woman" means marriage of any person being married to any other person, during the life of the former wife, whether the second marriage shall have taken place within the dominions of Her Majesty or elsewhere:

(9). "Desertion" implies an abandonment against the wish of the person charging it;

(10). and "property" includes in the case of a wife any property to which she is entitled for an estate in remainder or reversion or as a trustee, executrix or administratrix; and the date of the death of the testator or intestate shall be deemed to be the time at which any such wife becomes entitled as executrix or administratrix.

II.—Jurisdiction.

4. The jurisdiction now exercised by the High Courts in respect of divorce *a mensâ et toro*, and in all other causes, suits and matters matrimonial, shall be exercised by such Courts and by the District Courts subject to the provisions in this Act maintained, and not otherwise: except so far as relates to the granting of marriage-licenses, which may be granted as if this Act had not been passed.

5. Any decree or order of the late Supreme Court of Judicature at Calcutta, Madras, or Bombay sitting on the ecclesiastical side, or of any of the said High Courts sitting in the exercise of their matrimonial jurisdiction, respectively, in any cause or matter matrimonial, may be enforced and dealt with by the said High Courts, respectively, as hereinafter mentioned, in like manner as if such decree or order had been originally made under this Act by the Court so enforcing or dealing with the same.

6. All suits and proceedings in causes and matters matrimonial, which when this Act comes into operation are pending in any High Court, shall be

dealt with and decided by such Court, so far as may be, as if they had been originally instituted therein under this Act.

7. Subject to the provisions contained in this Act, the High Courts and District Courts shall, in all suits and proceedings hereunder, act and give relief on principles and rules which, in the opinion of the said Courts, are as nearly as may be conformable to the principles and rules on which the Court for Divorce and Matrimonial Causes in England for the time being acts and gives relief.

8. The High Court may, whenever it thinks fit, remove and try and determine as a Court of original jurisdiction any suit or proceeding instituted under this Act in the Court of any District Judge within the limits of its jurisdiction under this Act.

The High Court may also withdraw any such suit or proceeding, and transfer it for trial or disposal to the Court of any other such District Judge.

9. When any question of law or usage having the force of law arises at any point in the proceedings previous to the hearing of any suit under this Act by a District Court or at any subsequent stage of such suit, or in the execution of the decree therein or order thereon, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case and refer it, with the Court's own opinion thereon, to the decision of the High Court.

If the question has arisen previous to or in the hearing, the District Court may either stay such proceedings, or proceed in the case pending such reference, and pass a decree contingent upon the opinion of the High Court upon it.

If a decree or order has been made, its execution shall be stayed until the receipt of the order of the High Court upon such reference.

III.—Dissolution of Marriage.

10. Any husband may present a petition to the District Court or to the High Court, praying that his marriage may be dissolved on the ground that his wife has, since the solemnization thereof, been guilty of adultery.

Any wife may present a petition to the District Court or to the High Court, praying that her marriage may be dissolved on the ground that since the solemnization thereof her husband has exchanged his profession of Christianity for the profession of some other religion, and gone through a form of marriage with another woman;

or has been guilty of incestuous adultery, or of bigamy with adultery, or of marriage with another woman with adultery, or of rape, sodomy or bestiality, or of adultery coupled with such cruelty as without adultery would have entitled her to a divorce *a mensâ et toro*,

or of adultery coupled with desertion, without reasonable excuse, for two years or upwards.

Every such petition shall state, as distinctly as the nature of the case permits, the facts on which the claim to have such marriage dissolved is founded.

11. Upon any such petition presented by a husband, the petitioner shall make the alleged adulterer a co-respondent to the said petition, unless he is excused from so doing on one of the following grounds, to be allowed by the Court:—

(1). That the respondent is leading the life of a prostitute, and that the petitioner knows of no person with whom the adultery has been committed.

(2). That the name of the alleged adulterer is unknown to the petitioner, although he has made due efforts to discover it.

(3). That the alleged adulterer is dead.

12. Upon any such petition for the dissolution of a marriage, the Court shall satisfy itself, so far as it reasonably can, not only as to the facts alleged, but also whether or not the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery, or has condoned the same, and shall also inquire into any countercharge which may be made against the petitioner.

13. In case the Court, on the evidence in relation to any such petition, is satisfied that the petitioner's case has not been proved, or is not satisfied that the alleged adultery has been committed,

or finds that the petitioner has, during the marriage, been accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

then and in any of the said cases the Court shall dismiss the petition.

When a petition is dismissed by a District Court under this section, the petitioner may, nevertheless, present a similar petition to the High Court.

14. In case the Court is satisfied on the evidence that the case of the petitioner has been proved,

and does not find that the petitioner has been in any manner accessory to, or conniving at, the going through of the said form of marriage, or the adultery of the other party to the marriage, or has condoned the adultery complained of,

or that the petition is presented or prosecuted in collusion with either of the respondents,

the Court shall pronounce a decree declaring such marriage to be dissolved in the manner and subject to all the provisions and limitations in sections sixteen and seventeen made and declared:

Provided that the Court shall not be bound to pronounce such decree if it finds that the petitioner has, during the marriage, been guilty of adultery,

or if the petitioner has, in the opinion of the Court, been guilty of unreasonable delay in presenting or prosecuting such petition,

or of cruelty towards the other party to the marriage,

or of having deserted or wilfully separated himself or herself from the other party before the adultery complained of, and without reasonable excuse,

or of such wilful neglect or misconduct of or towards the other party as has conduced to the adultery.

No adultery shall be deemed to have been condoned within the meaning of this Act unless where conjugal cohabitation has been resumed or continued.

15. In any suit instituted for dissolution of marriage, if the respondent opposes the relief sought on the ground, in case of such a suit instituted by a husband, of his adultery, cruelty, or desertion without reasonable excuse, or, in case of such a suit instituted by a wife, on the ground of her adultery and cruelty, the Court may in such suit give to the respondent, on his or her application, the same relief to which he or she would have been entitled in case he or she had presented a petition seeking such relief, and the respondent shall be competent to give evidence of facts relating to such cruelty or desertion.

16. Every decree for a dissolution of marriage made by a High Court shall, in the first instance, be a decree nisi, not to be made absolute till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court, by general or special order from time to time directs.

During that period any person shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to show cause why the said decree should not be made absolute by reason of the same having been obtained by collusion or by reason of material facts not being brought before the Court.

On cause being so shown, the Court shall do with the case by making the decree absolute, or reversing the decree nisi, or by requiring further inquiry, or otherwise as justice may demand.

The High Court may order the costs of Court and witnesses and otherwise arising from the cause being shown, to be paid by the parties, such one or more of them as it thinks fit, including a wife if she have separate property.

Whenever a decree nisi has been made, and the petitioner fails, within a reasonable time, to move to have such decree made absolute, the High Court may dismiss the suit.

17. Every decree for a dissolution of marriage made by a District Judge shall be subject to confirmation by the High Court.

Cases for confirmation of a decree for dissolution of marriage shall be heard (where the number of the Judges of the High Court is three or upwards) by a Court composed of three such Judges, and in case of difference the opinion of the majority shall prevail, or (where the number of the Judges of the High Court is two) by a Court composed of such two Judges, and in case of difference the opinion of the Senior Judge shall prevail.

The High Court, if it think further enquiry or additional evidence to be necessary, may direct such enquiry to be made, or such evidence to be taken.

The result of such enquiry and the additional evidence shall be certified to the High Court by the District Judge, and the High Court shall thereupon make an order confirming the decree for dissolution of marriage, or such other order as the Court seems fit.

Provided that no decree shall be confirmed under this section till after the expiration of such time, not less than six months from the pronouncing thereof, as the High Court by general or special order from time to time directs.

During the progress of the suit in the Court of the District Judge, any person suspecting that any parties to the suit are or have been acting in collusion for the purpose of obtaining a divorce, shall be at liberty, in such manner as the High Court by general or special order from time to time directs, to apply to the High Court to remove the suit under section eight, and the High Court shall thereupon, if it think fit, remove such suit and try and determine the same as a Court of original jurisdiction, and the provisions contained in section sixteen shall apply to every suit so removed: or it may direct the District Judge to take such steps in respect of the alleged collusion as may be necessary to enable him to make a decree in accordance with the justice of the case.

IV.—Nullity of Marriage.

18. Any husband or wife may present a petition to the District Court or to the High Court, praying that his or her marriage may be declared null and void.

19. Such decree may be made on any of the following grounds:—

(1.) That the respondent was impotent at the time of the marriage and at the time of the institution of the suit;

(2.) That the parties are within the prohibited degrees of consanguinity (whether natural or legal) or affinity;

(3.) That either party was a lunatic or idiot at the time of the marriage;

(4.) That the former husband or wife of either party was living at the time of the marriage, and the marriage with such former husband or wife was then in force.

Nothing in this section shall affect the jurisdiction of the High Court to make decrees of nullity of marriage on the ground that the consent of either party was obtained by force or fraud.

20. Every decree of nullity of marriage made by a District Judge shall be subject to confirmation by the High Court, and the provisions of section seventeen, clauses one, two, three and four, shall *mutatis mutandis* apply to such decrees.

21. Where a marriage is annulled on the ground that a former husband or wife was living, and it is adjudged that the subsequent marriage was contracted in good faith and with the full belief of the parties that the former husband or wife was dead, or when a marriage is annulled on the ground of insanity, children begotten before the decree is made shall be specified in the decree, and shall be entitled to succeed, in the same manner as legitimate children, to the estate of the parent who at the time of the marriage was competent to contract.

V.—Judicial Separation.

22. No decree shall hereafter be made for a divorce *a mensâ et toro*, but the husband or wife may obtain a decree of judicial separation, on the ground of adultery, or cruelty, or desertion without reasonable excuse for two years or upwards, and such decree shall have the effect of a divorce *a mensâ et toro* under the existing law, and such other legal effect as hereinafter mentioned.

23. Application for judicial separation on any one of the grounds aforesaid, may be made by either husband or wife by petition to the District Court or the High Court; and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree judicial separation accordingly.

24. In every case of a judicial separation under this Act, the wife shall, from the date of the sentence, and whilst the separation continues, be considered as unmarried with respect to property of every description which she may acquire, or which may come to or devolve upon her.

Such property may be disposed of by her in all respects as an unmarried woman, and on her decease the same shall, in case she dies intestate, go as the same would have gone if her husband had been then dead:

Provided that, if any such wife again cohabits with her husband, all such property as she may be entitled to when such cohabitation takes place shall be held to her separate use, subject, however, to any agreement in writing made between herself and her husband whilst separate.

25. In every case of a judicial separation under this Act, the wife shall, whilst so separated, be considered as an unmarried woman for the purposes of contract, and wrongs and injuries, and suing and being sued in any civil proceeding; and her husband shall not be liable in respect of any contract, act or costs entered into, done, omitted or incurred by her during the separation.

Provided that where, upon any such judicial separation, alimony has been decreed or ordered to be paid to the wife, and the same is not duly paid by the husband, he shall be liable for necessities supplied for her use.

Provided also that nothing shall prevent the wife from joining, at any time during such separation, in the exercise of any joint power given to herself and her husband.

Reversal of Decree of Separation.

26. Any husband or wife, upon the application of whose wife or husband, as the case may be, a decree of judicial separation has been pronounced, may, at any time thereafter, present a petition to the Court by which the decree was pronounced, praying for a reversal of such decree, on the ground that it was obtained in his or her absence, and that there was reasonable excuse for the alleged desertion, where desertion was the ground of such decree.

The Court may, on being satisfied of the truth of the allegations of such petition, reverse the decree accordingly; but such reversal shall not prejudice or affect the rights or remedies which any other person would have had, in case it had not been decreed, in respect of any debts, contracts, or acts of the wife incurred, entered into, or done between the times of the sentence of separation and of the reversal thereof.

VI.—Protection Orders.

27. Any wife to whom the fourth section of the Indian Succession Act, 1865, does not apply, may, when deserted by her husband, present a petition to the District Court or the High Court, at any time after such desertion, for an order to protect any property which she may have acquired or may acquire, and any property of which she may have become possessed or may become possessed after such desertion, against her husband or his creditors, or any person claiming under him.

28. The Court, if satisfied of the fact of such desertion, and that the same was without reasonable excuse, and that the wife is maintaining herself by her own industry or property, may make and give to the wife an order protecting her earnings and other property from her husband and all creditors and persons claiming under him. Every such order shall state the time at which the desertion commenced, and shall, as regards all persons dealing with the wife in reliance thereon, be conclusive as to such time.

29. The husband or any creditor of, or person claiming under, him may apply to the Court by which such order was made for the discharge or variation thereof, and the Court, if the desertion has ceased, or if for any other reason it think fit so to do, may discharge or vary the order accordingly.

30. If the husband or any creditor of, or person claiming under, the husband seizes or continues to hold any property of the wife after notice of any such order, he shall be liable, at the suit of the wife

(which she is hereby empowered to bring), to return or deliver to her the specific property, and also to pay her a sum equal to double its value.

31. So long as any such order of protection remains in force, the wife shall be and be deemed to have been, during such desertion of her, in the like position in all respects, with regard to property and contracts and suing and being sued, as she would be under this Act if she obtained a decree of judicial separation.

VII.—Restitution of Conjugal Rights.

32. When either the husband or the wife has, without reasonable excuse, withdrawn from the society of the other, either wife or husband may apply, by petition to the District Court or the High Court, for restitution of conjugal rights, and the Court, on being satisfied of the truth of the statements made in such petition, and that there is no legal ground why the application should not be granted, may decree restitution of conjugal rights accordingly.

33. Nothing shall be pleaded in answer to a petition for restitution of conjugal rights, which would not be ground for a suit for judicial separation or for a decree of nullity of marriage.

VIII.—Damages and Costs.

34. Any husband may, either in a petition for dissolution of marriage or for judicial separation, or in a petition to the District Court or the High Court limited to such object only, claim damages from any person on the ground of his having committed adultery with the wife of such petitioner.

Such petition shall be served on the alleged adulterer and the wife, unless the Court dispenses with such service, or directs some other service to be substituted.

The damages to be recovered on any such petition shall be ascertained by the said Court, although the respondents or either of them may not appear.

After the decision has been given, the Court may direct in what manner such damages shall be paid or applied.

35. Whenever in any petition presented by a husband the alleged adulterer has been made a co-respondent, and the adultery has been established, the Court may order the co-respondent to pay the whole or any part of the costs of the proceedings:

Provided that the co-respondent shall not be ordered to pay the petitioner's costs

(1) if the respondent was at the time of the adultery living apart from her husband and leading the life of a prostitute, or

(2) if the co-respondent had not at the time of the adultery reason to believe the respondent to be a married woman.

Whenever any application is made under section seventeen, the Court, if it thinks that the applicant had no grounds or

sufficient grounds for intervening, may order him to pay the whole or any part of the costs occasioned by the application.

IX.—Alimony.

36. In any suit under this Act, whether it be instituted by a husband or a wife and whether or not she has obtained an order of protection, the wife may present a petition for alimony pending the suit.

Such petition shall be served on the husband; and the Court, on being satisfied of the truth of the statements therein contained, may make such order on the husband for payment to the wife of alimony pending the suit as it may deem just:

Provided that alimony pending the suit shall in no case exceed one-fifth of the husband's average nett income for the three years next preceding the date of the order, and shall continue, in case of a decree for dissolution of marriage or of nullity of marriage, until the decree is made absolute or is confirmed, as the case may be.

37. The High Court may, if it think fit, on any decree absolute declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife,

and the District Judge may, if he thinks fit, on the confirmation of any decree of his declaring a marriage to be dissolved, or on any decree of judicial separation obtained by the wife

order that the husband shall, to the satisfaction of the Court, secure to the wife such gross sum of money, or such annual sum of money for any term not exceeding her own life, as, having regard to her fortune (if any), to the ability of the husband, and to the conduct of the parties, it thinks reasonable; and for that purpose may cause a proper instrument to be executed by all necessary parties.

In every such case the Court may make an order on the husband for payment to the wife of such monthly or weekly sums for her maintenance and support as the Court may think reasonable:

Provided that if the husband afterwards from any cause becomes unable to make such payments, it shall be lawful for the Court to discharge or modify the order, or temporarily to suspend the same as to the whole or any part of the money so ordered to be paid, and again to revive the same order wholly or in part, as to the Court seems fit.

38. In all cases in which the Court makes any decree or order for alimony, it may direct the same to be paid either to the wife herself, or to any trustee on her behalf to be approved by the Court, and may impose any terms or restrictions which to the Court seem expedient, and may from time to time appoint a new trustee, if it appears to the Court expedient to do.

X.—Settlements.

39. Whenever the Court pronounces a decree of dissolution of marriage or judicial separation for adultery of the wife, if it is made to appear to the Court that

the wife is entitled to any property, the Court may, if it think fit, order such settlement as it thinks reasonable to be made of such property or any part thereof, for the benefit of the husband, or of the children of the marriage, or of both.

Any instrument executed pursuant to any order of the Court at the time of or after the pronouncing of a decree of dissolution of marriage or judicial separation, shall be deemed valid notwithstanding the existence of the disability of coverture at the time of the execution thereof.

The Court may direct that the whole or any part of the damages recovered under section thirty-four shall be settled for the benefit of the children of the marriage, or as a provision for the maintenance of the wife.

40. The High Court, after a decree absolute for dissolution of marriage, or a decree of nullity of marriage,

and the District Court after its decree for dissolution of marriage or of nullity of marriage has been confirmed,

may inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree, and may make such orders, with reference to the application of the whole or a portion of the property settled, whether for the benefit of the husband or the wife, or of the children (if any) of the marriage, or of both children and parents, as to the Court seems fit:

Provided that the Court shall not make any order for the benefit of the parents or either of them at the expense of the children.

XI.—Custody of Children.

41. In any suit for obtaining a judicial separation the Court may from time to time, before making its decree, make such interim orders, and may make such provision in the decree, as it deems proper with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of such suit, and may, if it think fit, direct proceedings to be taken for placing such children under the protection of the said Court.

42. The Court, after a decree of judicial separation, may upon application (by petition) for this purpose make, from time to time, all such orders and provision, with respect to the custody, maintenance and education of the minor children, the marriage of whose parents is the subject of the decree, or for placing such children under the protection of the said Court, as might have been made by such decree or by interim orders in case the proceedings for obtaining such decree were still pending.

43. In any suit for obtaining a dissolution of marriage or a decree of nullity of marriage instituted in, or removed to, a High Court, the Court may from time to time, before making its decree absolute or its decree (as the case may be),